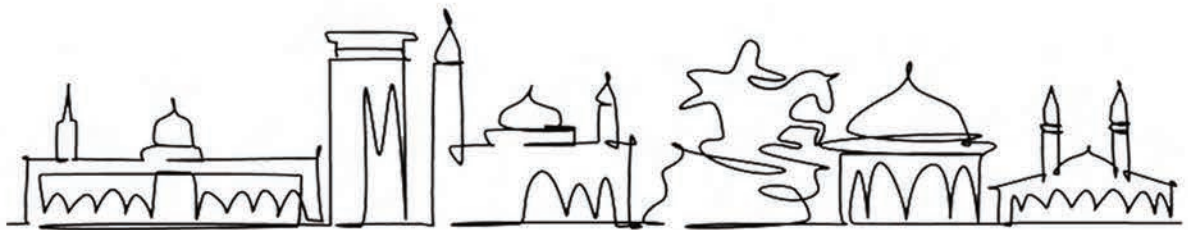


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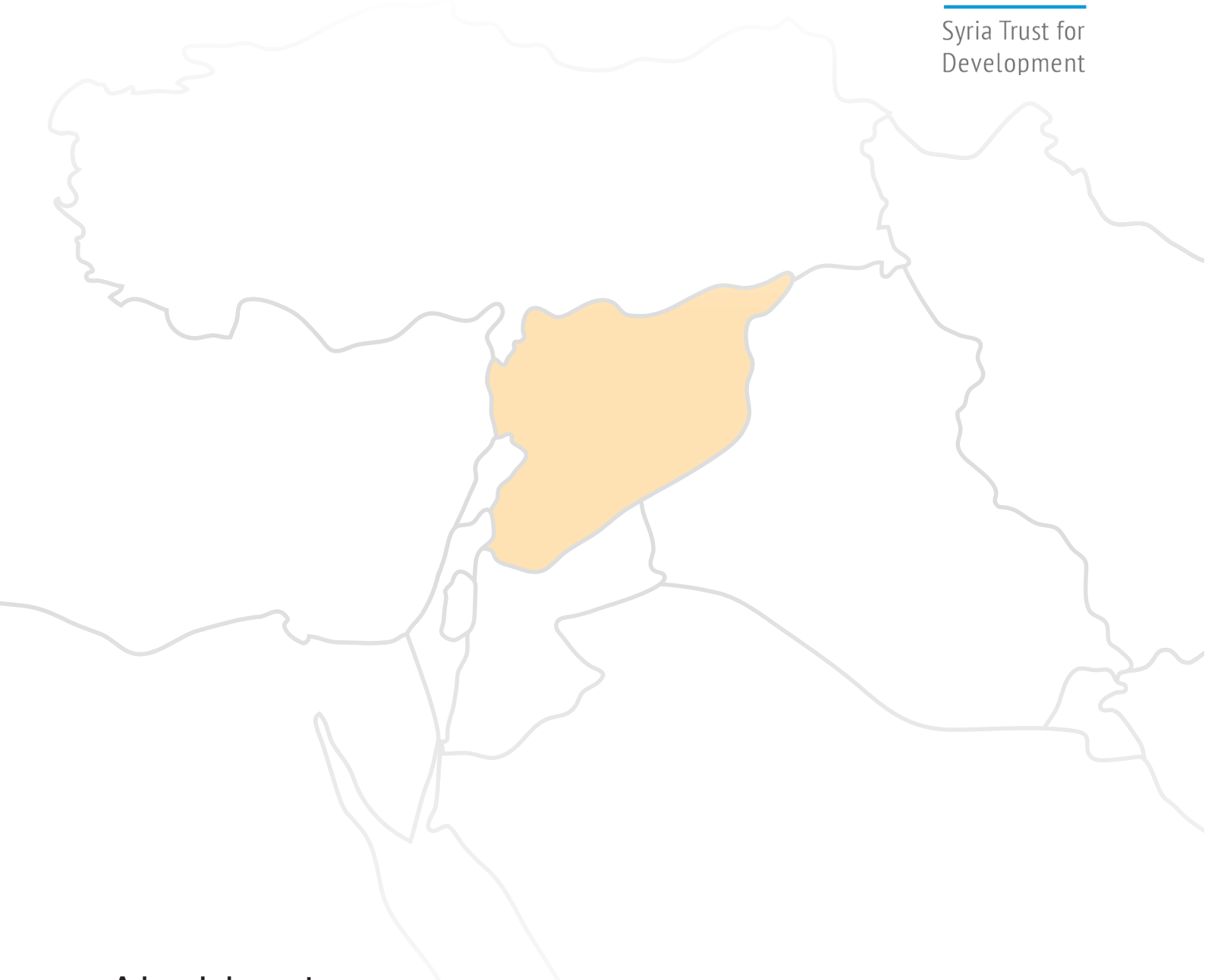
# GUIDE TO CHILD'S RIGHTS IN SYRIA



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In Class (Photo: Tareq Mnadili/NRC)

## 1. BACKGROUND AND INTRODUCTION TO GUIDE



**The ‘Legal Guide to Children’s Rights in Syria’ is a legal resource for lawyers and humanitarian professionals working with children in Syria as well as with child refugees from Syria. It brings together in one document the various laws, directives and policies directly relevant to the legal protection of children in Syria including the Child Rights Law recently passed by the Government of Syria (GoS). By consolidating the relevant laws into a single document practitioners will be able to get a better overall picture of the inter-connected legal framework affecting children’s rights.**

The guide covers the various areas of law that are relevant to the protection of children’s rights including **legal capacity of children, family or personal status law including guardianship, custody and age of marriage, restorative justice for juveniles, work rights for juveniles, rights to health, education and social assistance and well as rights to legal identity and nationality.** The guide is structured per thematic area of law or topic so that users can go directly to the section of relevance. Additionally, the guide sets out the various Ministries and government agencies that are responsible for children’s welfare issues.

The aim of the guide is to provide an objective summary of the relevant laws and procedures; not to provide an exhaustive analysis of each area of law. A select bibliography at the end of the guide provides further references, The guide does not provide any analysis or commentary on international human rights law other than to note some of the key international human rights law (IHRL) and international humanitarian law (IHL) treaties and regional agreements ratified by Syria.

Whilst the guide is intended to be used as a general legal resource it should not be relied upon for individualized advice for beneficiaries. Instead, legal advice should be obtained from qualified legal practitioners in relation to the particular circumstances of beneficiaries.

All efforts have been made to ensure that the guide is as complete and accurate as possible as of the date of publication. However, the legal accuracy of the guide cannot be guaranteed, particularly considering the frequent number of legislative developments in Syria. Nor does the guide cover legal and administrative practices, both formal and informal, that may be prevalent in different parts of Syria including at the level of courts, government offices and local municipalities. The guide covers the legal framework up to June 2023 but does not take account of occurring after that date.



Thumbs Up (Photo: Tareq Mnadili/NRC)



## 2. INTERNATIONAL HUMAN RIGHTS TREATIES AND CONVENTIONS RELEVANT TO CHILDREN

Whilst this Guide focuses primarily on the domestic legal framework for children in Syria, **International treaties and conventions ratified by Syria** are included as a reference point and guide to the commitments made by the State for the legal protection of children.

Syria has signed various international and regional conventions and treaties relevant to the protection of children including the Convention on the Rights of the Child (CRC).

International treaties ratified by Syria have the force of law in Syria and constitute a higher law by which all national laws must be interpreted and amended as necessary laws.<sup>1</sup> This allows practitioners, in theory at least, to use provisions of human rights treaties ratified by Syria in individual casework and policy work.

Whilst in Syrian legal practice it is rare for lawyers to cite international human rights principles and more common to cite decisions and jurisprudence of the Court of Cassation,<sup>2</sup> international human rights treaties provide an important normative framework and reference point, including on issues of implementation of international obligations. Many of Syria's domestic laws also reflect principles contained in these international treaties.

### 2.1 Key international human rights and humanitarian law treaties ratified by Syria

The Convention on the Rights of the Child (CRC), as ratified by Syria, is the key international human rights treaty in relation to the rights of children. Many of the fundamental principles of the CRC, such as the obligation to act in the best interests of the child, are expressly incorporated into the Syrian Child Rights Law. Further selected treaties or conventions ratified by Syria with relevance to the legal protection of children's rights are set out below.

<sup>1</sup> Resolution of the Syrian Court of Cassation, Civil Basis 366, Decision No. 1905, 21 December 1980, issued by the Second Civil Chamber.

<sup>2</sup> The Court of Cassation is the highest court of appeal in Syria whilst the Syrian Constitutional Court reviews the legality of laws, decrees, regulations and bylaws in accordance with the Syrian Constitution. Article 146, Syrian Constitution.



## Key Human Rights and Humanitarian Law Treaties ratified by Syria

Name of Treaty or Convention	Ratification Date
<b>▶ Specific Child Rights Treaties</b>	
▶ Convention on the Rights of the Child (CRC)	15 July 1993
▶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	17 October 2003
▶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	15 May 2003
▶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	8 Apr 2009
▶ Universal Declaration of Human Rights (UDHR)	1948
▶ Convention on International Civil and Political Rights (ICCPR)	21 April 1969
▶ Convention on Economic, Social and Cultural Rights (ICESCR)	21 April 1969
▶ Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	19 August 2004
▶ Convention on the Elimination of Racial Discrimination (CERD)	21 April 1969
▶ Convention on the Rights of Persons with Disabilities and its Optional Protocol (RRPD)	10 July 2009
▶ Convention on the Elimination of Discrimination Against Women (CEDAW)	28 March 2003
<b>▶ International Humanitarian Law Treaties</b>	
▶ Geneva Conventions, 1949	2 November 1953
▶ Additional Protocol (I) to the Geneva Conventions	15 July 1993
<b>▶ Treaties relevant to Work Rights and Child Labour<sup>3</sup></b>	
▶ ILO Convention 182 on the Elimination of the Worst Forms of Child Labour	22 May 2003
▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2 June 2005
▶ ILO Convention 138 on the Minimum Age for Admission to Employment and Work	18 September 2001

A number of commissions, task forces and initiatives have been established by the GoS focusing on the protection of children.<sup>4</sup>

<sup>3</sup> See the following link for a full list of [ILO Conventions Ratified by Syria](#)

<sup>4</sup> Including the Syrian Commission for Family Affairs and the National-Regional Committee on Monitoring the Rights of the Child in the Light of the Crisis in the Syrian Arab Republic.





As per Syria's ratification of the CRC in 1993,<sup>5</sup> the GoS is required to submit periodic reports to the Committee on the Rights of the Child ("CRC Committee") on the status of child rights (as set out in the CRC), and on the steps taken by Syria towards the implementation of the CRC.

In these periodic reports, the GoS reiterates its commitment to the international treaties and instruments it has acceded to and ratified and its belief in the importance of continuing to engage in dialogue with the Committee on the Rights of the Child.

The CRC's Optional Protocol on the Involvement of Children in Armed Conflict provides additional protection for children caught up in conflict, either as civilians or combatants. Further protection is afforded to children in armed conflicts through Common Article 3 to the Geneva Conventions (1949), which Syria ratified in 1953 and is therefore legally bound by.

Syria has not signed the 1951 Refugee Convention, or the 1967 Protocol relating to the Status of Refugees. Nor has it signed the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on Reducing Statelessness.

## 2.2 Regional Agreements

Regional treaties can be a useful point of reference for the interpretation of human rights standards within a social or cultural context. Whilst such treaties are not formally binding on Syria, they are relevant as reflecting to some degree regional, cultural and religious values and shared commitments and can be invoked in support of broader child rights arguments.

Regionally, the Arab Charter on Human Rights, as ratified by Syria in 2007, protects a wide range of human rights including those relevant to children. It protects the right to a legal identity,<sup>6</sup> to education<sup>7</sup> and the right of youth to greater opportunities to develop their physical and mental abilities.<sup>8</sup> The family is acknowledged as the fundamental unit of society and the State is obliged to ensure special protection for the family and children.<sup>9</sup>

The Cairo Declaration on Human Rights in Islam list a number of human rights specifically applicable to children including the prohibition on discrimination on the basis of the child's parent's or legal guardian's race, color, sex, language, religion, sect, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.<sup>10</sup>

The Declaration further notes the right to such measures of protection as are required by the child's status as a minor, including "nursing, education as well as material, and moral care, on the part of his family, society and the State".<sup>11</sup> Other rights include the right to birth registration and nationality.<sup>12</sup>

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5 [Ratification Status of the Convention on the Rights of the Child](#) taken from the UN Treaty Body Database.

6 Article 18, [Arab Charter on Human Rights](#).

7 Article 34, Arab Charter on Human Rights.

8 Article 39, Arab Charter on Human Rights.

9 Article 38, Arab Charter on Human Rights.

10 Article 7(a), [Cairo Declaration on Human Rights in Islam](#) ("Cairo Declaration").

11 Cairo Declaration Article 7(a).

12 Cairo Declaration Article 7(b).



Sewing Soccer Shirts (Photo: Tareq Mnadili/NRC)



### 3. NATIONAL POLICY FRAMEWORK

The **national policy framework** covers the overall legislative and administrative structure put in place by the GoS to ensure the protection of children. This includes policies and commitments made by the government as well as government agencies responsible for implementing the protection of children's rights. The recently passed Child Rights Law is an integral part of the overall policy framework.

#### 3.1 Government Policies and Measures of Implementation

According to the latest periodic report submitted by the GoS to CRC Committee in July 2017, the Ministry of Education has taken action to ensure that the principles within the CRC and its Optional Protocols are more widely known among both adults and children in Syria. The Ministry of Education provides training and incorporates relevant principles into the curriculum at all levels in institutions accountable to the Ministry, as well as in other institutions such as *Sharia* schools.<sup>13</sup>

In their latest periodic report, the GoS<sup>14</sup> outlined steps that they have taken to protect Syrian children since the beginning of the current crisis, which include the following:

- Act No. 11 of 2013, amending the Penal Code No 148 of 1949, which prohibits the recruitment of child soldiers and their involvement in combat operations;
- Legislative Decree No. 20 of 2013, which criminalises the abduction and detention of persons, including children;
- Prime Ministerial Decree No. 2310 of 20 August 2013, which includes provisions for the creation of the 'National-Regional Committee on Monitoring the Rights of the Child in the light of the Crisis in the Syrian Arab Republic', with responsibility for documenting violations and preparing the relevant national reports;<sup>15</sup> and
- Article 489 of the Penal Code, which has been amended to increase the punishment for aggression and rape when the victim is a child under the age of 15 and where armed force is used.

13 Paragraph 29 of the fifth periodic report submitted by the Syrian Arab Republic under article 44(1)(a) of the Convention on the Rights of the Child received by the Committee on the Rights of the Child on 10 July 2017, [Fifth GoS Report on the Implementation of the CRC](#).

14 Paragraph 29 of the Fifth GoS Report on the Implementation of the CRC.

15 An inter-ministerial committee was established by the Government in 2018 to combat child recruitment.



### 3.2 Ministries and National Agencies Responsible for Child Welfare issues

The Syrian Commission for Family Affairs (“SCFA”) has been established to deal with matters related to the rights of Syrian children and requires other public institutions to cooperate with the SCFA.<sup>16</sup>

The SCFA is responsible for proposing and updating legislation, conducting research and recommending policies to promote and empower Syrian children in line with national and international standards. The SCFA is also responsible for the reports submitted to the Committee on the Rights of the Child.

The SCFA is an independent government agency but is chaired by the Minister of Social Affairs and Labour. The SCFA has the power to establish independent offices in the governorates of Syria although at present there is only one office of the SCFA which is in Damascus.

The Ministry of Social Affairs and Labour (MoSAL) has overall responsibility for monitoring working conditions in places employing minors, establishing vocational training centres and providing health and psychological assistance to children harmed at work.<sup>17</sup>

The Melody of Life Homes are a specialist government agency established by the Legislative Decree on Children of Unknown Parentage and are responsible for the supervision and care of children of unknown parentage.<sup>18</sup> This includes registration of the birth of the child, monitoring the care and welfare of the children and making suitable care arrangements including placement of children with substitute families or in care institutions.

In 2005, the Syrian Government presented a National Child Protection Plan which was developed in cooperation with the SCFA. The plan outlined the Government’s intention to establish a Family Protection Unit in order to deal with sexual violence at a national level, to create child protection shelters and a child helpline.

On 8 March 2017, the SCFA set up a Family Protection Unit which is jointly administered by the SCFA and relevant ministries and is responsible for the protection of women and children.<sup>19</sup>

The National-Regional Committee on Monitoring the Rights of the Child in the Light of the Crisis in the Syrian Arab Republic was established in 2013 by Prime Ministerial Decree.<sup>20</sup>

This new committee has been given responsibility for (i) documenting the violations committed by armed groups against children; (ii) preparing national reports on violations suffered by children; (iii) establishing a database; and (iv) conducting a study on the recruitment of child soldiers and the use of children in combat operations.<sup>21</sup>

The recently passed Child Rights Law established a National Committee for the Rights of the Child to.<sup>22</sup> As outlined within the Child Rights Law, its mission will be to propose policy related to the rights of the child, set out national plans for implementation of the law and obligations stipulated in the CRC and follow up on their implementation.<sup>23</sup>

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16 Pursuant to Act No. 42 of 2003 (as amended by Act No. 6 of 2014 and Legislative Decree No. 5 of 2017). Law No 42 of 2003 was abolished and replaced by Law No 6 of 2014. As noted in the [GoS Replies to List of Issues in Fifth Report on Implementation of CRC](#).

17 Article 37, Child Rights Law.

18 Article 2, Legislative Decree on Regulating the Affairs and Care of Children of Unknown Parentage No. 2 of 2023 (“Legislative Decree on Children of Unknown Parentage”).

19 Paragraph 20 of the Fifth periodic report submitted by the Syrian Arab Republic to the CRC Committee. The SCFA was originally established within MoSAL with UN support but is now an independent agency.

20 Under Prime Ministerial Decree No. 2310 of 20 August 2013.

21 Paragraph 16 of the fifth periodic report submitted by the Syrian Arab Republic to the CRC Committee.

22 Article 51, Child Rights Law.

23 Article 52B(1), Child Rights Law.





More specifically, its obligations include:

- proposing general policy related to the rights of the child and setting national plans for implementing this Law;
- studying the proposals and complaints submitted by any party related to the provisions of the Law;
- proposing draft legislation related to the rights of the child;
- preparing reports related to the rights of the child and submitting its recommendations to the competent authorities; and
- studying any other matters received by the parties related to the rights of the child.

Syria has no national human rights body with a focal point for children's rights.

### 3.3 National Laws

Syria has legislation relevant to the rights of children throughout a range of laws, legislative decrees, orders and decisions. The President is responsible for laying down the general policy of the State and overseeing its implementation.<sup>24</sup> The People's Assembly passes laws which must be approved by the President subject to a first power of veto according to the Constitution.<sup>25</sup> The President decrees, orders and decisions in accordance with the laws.<sup>26</sup>

Laws and decrees are of equal ranking and set out the key legal principles, criteria and requirements for a specific area of law. They have a higher legal status than circulars, orders and decisions which are generally more directed to the practical implementation of the laws. Codes, such as the Penal Code, Civil Code, Civil Status Code or Personal Status Code codify or consolidate the principles and rules for a major area of law within one document, such as in relation to criminal law, family law or civil law. All legislation must be consistent with the principles as set out in the Constitution.

The **laws most relevant for child rights in Syria** are as follows:

- **Syrian Constitution of 2012.** The current constitution of the Syrian Arab Republic was adopted on 26 February 2012, replacing the previous Constitution that had been in force since 13 March 1973. Article 20 of the Constitution notes that the family is the nucleus of society and that the State is obliged to protect childhood, take care of young children and youth and provide suitable conditions for the development of their talents.<sup>27</sup>
- **Child Rights Law (Law No. 21 of 2021).** The relatively recent Child Rights Law codifies many of the basic rights and principles relevant to children, including the principle of the best interests of the child. Other specific laws stipulate these rights in detail, such as the Personal Status Law, the Civil Status Law, the Labor Law, the Juvenile Offenders Law, and others.
- **Civil Status Law. (Law No. 13 of 2021).**<sup>28</sup> This law sets out the legal requirements for registration of life events, such as birth, marriage, divorce and death, as well as issuance of identity documents and family booklets which are important for confirmation of legal identity.
- **Personal Status Law for Muslims (Law No. 59 of 1975).** The Personal Status Law is the main law regulating family relations in Syria, covering matters such as marriage, dissolution of marriage, guardianship, custody and inheritance.

24 Article 98, Constitution.

25 Article 100, Constitution. The President may reject a law within one month of its approval by the People's Assembly through a justified decision. If the Assembly subsequently approves the law again with a two thirds majority, the President must pass the law.

26 Article 101, Constitution.

27 Articles 20(1) and (2), Constitution.

28 The 2021 Civil Status Law replaced the previous Civil Status Law of 2007.



- **Legislative Decree on Children of Unknown Parentage (Decree No. 2 of 2023).** This decree establishes a specialist government agency with responsibility for the care of children of unknown parentage. It sets out the responsibilities of the agency as well as the obligations of substitute families who are entrusted with the care of children of unknown parentage.
- **Nationality Law (Legislative Decree No. 276 of 1969).** The Syrian Nationality Law issued under Legislative Decree 276 sets out the criteria for the establishment of Syrian nationality.
- **Penal Code. (Penal Code No 148 of 1949).** The Penal Code sets out the key crimes punishable by law in Syria including crimes against minors including sexual abuse, child abduction, recruitment and trafficking and child neglect. It also sets out the obligation of care by parents for young or disabled children and penalises the abandonment of children.
- **Juvenile Delinquents Law (Law No. 18 of 1974).** The Juvenile Delinquents Law sets out the special procedures and protections governing the investigation, prosecution and sentencing of juveniles or minors for criminal offences.
- **Decree on Prohibition and Combat of Trafficking in Persons (Legislative Decree No. 3 of 2010).** This decree prohibits and penalizes trafficking in persons, including children. It provides a definition of trafficking and sets out the criminal liability of perpetrators.
- **Prevention of Smuggling of Persons Law (Law No. 14 of 2021).** The law states that the State shall provide special protection to smuggled women, children and persons with disabilities and shall take appropriate measures according to their situation, giving primary consideration to the best interests of the child.
- **Children in Armed Conflict Law (Law No. 11 of 2013).** This law was enacted following Syria's ratification of the Optional Protocol to the CRC on the involvement of children in armed conflict. The Act adds Article 488 to the Penal Code, prohibiting the recruitment of children or their involvement in combat operations of any kind.
- **Education Law (Law No. 35 of 1981),** The Law confirms that education is compulsory up to the age of 15 year and is to be free of charge at all stages.
- **Decision of the Ministry of Education No. (6/4 543/2157 (2013) on Registration and Acceptance in Schools in Basic Education.**<sup>29</sup> This decision allows students to be registered in public schools without any ID or supporting documents.
- **Labour Law (No. 17 of 2010).** The Labour Law specifies the minimum working age of 15 and contains protections and restrictions on the employment and conditions of work of juveniles. It covers employer obligations towards juveniles, safeguards on the employment of juveniles and health and safety requirements for juveniles.
- **Minors' Labour Regulations No. 12/2010.** This is a regulation issued by the Ministry of Labour and Social Affairs specifying different sectors in which juveniles can be employed.
- **The Persons with Special Needs Law (Law No. 34 of 2004).** This law clarifies the role of different agencies in providing services to persons with disabilities and promoting cooperation between them. This law applies to children with special needs.
- **Decision of MoSAL No. 1736 /(30 December 2004).** The decision bans the employment of children under the age of 15 and limits the types of work that children aged between 15 and 18 years can perform.
- **Legislative Decree No. 379 of 2002.** This decree prohibits child prostitution, child pornography and the sale of children.
- **Resolution No. 472 (22 June 2004).** This regulates the operation of Internet cafes to ensure they secure all measures that prevent access to pornographic sites, especially for children under the age of 18.
- **Anti-Drugs Law (Law No 2 of 1993).** The law increases the penalties for the use of minors in drug-related crimes or for drug-related crimes committed against minors.



- **Law on Combating Prostitution (Law No. 10 of 1961).** The law contains special provisions to protect against prostitution by children under 16 years of age and increased penalties for those perpetrators who are responsible for the minor's upbringing.

### 3.4 Child Rights Law

The **Child Rights Law** (Law No 21 of 2021) is a law of particular relevance for the rights of children. It introduces a wide range of legislative protections for children, many of which reflect relevant provisions and State obligations in the CRC. It also expressly prioritises acting in the best interests of the child in all decisions and procedures relating to the child, regardless of who makes those decisions.<sup>30</sup>

The law covers the right to an identity and citizenship,<sup>31</sup> freedom of expression,<sup>32</sup> family rights,<sup>33</sup> health rights,<sup>34</sup> educational and cultural rights,<sup>35</sup> the right to social development,<sup>36</sup> access to information, protections against child labour,<sup>37</sup> the right to social care,<sup>38</sup> the right to personal protection and security<sup>39</sup> and the principle of restorative justice for the child.<sup>40</sup> It also sets out details of National Committee for the Rights of the Child which is to be created.

Whilst the Child Rights Law sets out the general principles and protections available to children in Syria, other laws set out the specific rules, requirements and criteria for particular areas of law. For example, the Personal Status Law sets out in detail the rules governing family relations including marriage, guardianship, custody, paternity and inheritance rights whilst the Child Rights refers to overarching family rights. The Juvenile Delinquents Law sets out details of the treatment of children in the criminal justice system whilst the Child Rights Law sets out the basic principles of correctional justice for children.

As such the Child Rights Law is an important source of legal protections for children but must be read together with the more specific laws on certain thematic issues of law. This guide is structured around the key areas of law relevant to children. It references the specific applicable laws but also to the relevant, supplementary provisions of the Child Rights Law.

### 3.5 Principle of Non-discrimination

The **principle of non-discrimination** is confirmed both in the Constitution<sup>41</sup> and in the Child Rights Law<sup>42</sup> which confirms the right of children to enjoy public rights and freedoms, and to receive protection and care without any discrimination on the basis of gender, origin, race, colour, language, religion, or any other basis.<sup>43</sup>

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30 Articles 1-2, Child Rights Law.  
31 Articles 4-5, Child Rights Law.  
32 Article 8, Child Rights Law.  
33 Articles 15-19, Child Rights Law.  
34 Articles 25-26, Child Rights Law.  
35 Articles 10, 27-29, Child Rights Law.  
36 Article 41, Child Rights Law.  
37 Articles 36-39, Child Rights Law.  
38 Article 40, Child Rights Law.  
39 Articles 14, 31-32, Child Rights Law.  
40 Articles 46-47, Child Rights Law.  
41 Article 33, Constitution.  
42 Article 6, Child Rights Law.  
43 Article 6, Child Rights Law.





Heads Up (Photo: Tareq Mnadili/NRC)

## 4. LEGAL CAPACITY OF CHILD



Children are acknowledged as having **different levels of legal capacity for different issues** under the law. The **age of full legal capacity is 18 years** old whilst children are accorded a significant number of rights from the age of 15, including the right to work and the right to decide which parents to live with if the parents are separated. They are also required to obtain a national ID card at age 15 and have the legal capacity to conduct certain types of transactions and businesses. The age of criminal responsibility is ten.

### 4.1 Definition of Child

Most, but not all, Syrian legislation uses a **definition of the child** which is consistent with the definition adopted in the CRC. Article 1 of the CRC defines a child as: “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

The Child Rights Law,<sup>44</sup> Personal Status Law,<sup>45</sup> Penal Code, Juvenile Delinquent Law,<sup>46</sup> and Military Service Law all define a child as anyone under the age of eighteen. The terms “child” (الطفل: *tifil*), “minor” (القاصر: *qasser*) and “juvenile” (حدث: *hadath*) are all used throughout Syrian legislation to refer to persons under the age of eighteen, although different laws set different levels of legal capacity or criminal responsibility for children based on the age of the child.<sup>47</sup>

The term ‘child’ is the most common, whilst the term ‘minor’ is often used in the Personal Status law. The term ‘juvenile’ is normally used in relation to matters of juvenile justice or criminal proceedings involving minors or labour law. For the purpose of this guide the term ‘child’ is used throughout other than in the sections on work rights in which the term ‘minor’ is used and on juvenile justice where the term ‘juvenile’ is used. This reflects the terminology in the respective laws.

44 Article 1, Child Rights Law.

45 Article 162, Personal Status Law.

46 Article 1, Juvenile Delinquent Law.

47 For example, the Penal Code sets the age of criminal responsibility at ten (10) (Decree No. 52 of 2003) whilst under the Civil Code minors have legal capacity to enter into contracts, subject to the provisions of other laws, at the age of 15 (Article 44 of Civil Code). See also the Companies Law.



## 4.2 Age of majority and capacity to take legal action

A person enjoys the status of **a natural person from the date of birth** and is thus capable of taking actions and being the subject of State responsibility throughout their life.<sup>48</sup> Minors under the age of seven (7) are considered to be too young to be able to distinguish between things or fully understand their actions and are thus considered incapable of exercising their civil rights in their own capacity under the Civil Code.<sup>49</sup>

The **age of maturity is 18 years**. Every person over 18 who is in full possession of his or her mental faculties and who is not subject to any form of guardianship, is fully competent to exercise his civil rights.<sup>50</sup> However minors also have legal capacity for certain matters, such as entering into contracts, at the lower age of 15.<sup>51</sup>

Every person, who has not been declared to be under total or partial legal incapacity, has the legal capacity to conclude a contract.<sup>52</sup> In the event of a dispute about legal capacity to act the court will decide.<sup>53</sup> The age for competency to testify before the courts is set at 15 years.<sup>54</sup> From the age of seven (7) until the age of majority (18), minors may enter into contracts or dispose of their property when it is wholly to their advantage but such acts are void when they are wholly to the disadvantage of the minor. As for actions that could be considered both beneficial and detrimental, they are voidable for the benefit of the minor.<sup>55</sup> However, a minor under seven (7) years old has no capacity to dispose of his or her property.<sup>56</sup>

From the age of 15 onwards a minor who has been authorised to take possession of his or her property may manage their possessions with the approval of the judge and within the limits of the law.<sup>57</sup> As of the age of 15 a minor has a special domicile or capacity in relation to the business and actions which they are considered competent to practice under the law.<sup>58</sup> This is also consistent with the working age which is set at 15 years old under the Labour Law. Personal claims can be made against juveniles with the requisite legal capacity and such claims can be heard in Juvenile Court.<sup>59</sup> This could include, for example, taking action against a juvenile for property damage.

Minors are considered to require supervision until they have turned 15 or even once they have turned 15 if they are under the care of a person in charge of his or her upbringing. This is consistent with the working age of fifteen, as well as the maximum age of custodianship by parents.<sup>60</sup> After 15 years of age children can themselves determine which parent to live with. The supervision of a minor is the responsibility of his or her schoolmaster or employer if he or she is working.<sup>61</sup> The age of marriage is 18, although marriages from the age of 15 are possible with the permission of the *Sharia* court.

## 4.3 Age of criminal responsibility

The **age of criminal responsibility** was raised from seven to ten years under Decree No. 52/2003.

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48 Article 31, Civil Code.

49 Article 47(2), Civil Code.

50 Article 46, Civil Code.

51 Article 44(2), Civil Code.

52 Article 110, Civil Code. See also Article 17, Civil Procedure Law No. 1 of 2016 which states that it is for the court to verify whether an individual has the capacity to act legally, as well as assessing the validity of any representation or authorisation to act on their behalf.

53 Article 17, Civil Procedure Law No. 1 of 2016. The court will also decide the validity of any representation or authorisation to act on a person's behalf.

54 Article 59, Law of Evidence.

55 Article 112, Civil Code.

56 Article 111, Civil Code.

57 Article 113, Civil Code.

58 Article 44(2), Civil Code.

59 Article 42, Juvenile Delinquent Law.

60 Article 146, Personal Status Law, as amended by law No 4 of 2019.

61 Article 174(2), Civil Code.



Aleppo School (Photo: Tareq Mnadili/NRC)

## 5. LEGAL IDENTITY, CIVIL STATUS AND REGISTRATION OF CHILDREN



**All Syrian children must be registered from birth**, regardless of whether they are born inside or outside Syria. Each Syrian citizen must be registered with the Civil Registry (*nafous*)<sup>62</sup> and the registration shall set out the citizen's national number, first and last name, father's name, mother's full name, place and date of birth, family status, religion, date of registration and digital address.<sup>63</sup>

To be legally registered the parents must be married, although there are certain provisions for children born out of wedlock. Children born of informal marriages can be registered once the marriage is registered. Children must also be registered in the Family Book and obtain a national ID card as of the age of 15. The Civil Status Law governs the registration of life events, such as birth, marriage and death, in Syria as well as issuance of civil documentation through the Civil Registry.

### 5.1 Birth registration

#### 5.1.1 Issuance of birth certificates

The **right to birth registration** and to a name which is distinguishing and which does not affect a child's dignity is contained in the Child Rights Law.<sup>64</sup> The father has primary responsibility for registration of the births of children of the marriage, and in his absence the mother or adult relatives are responsible.<sup>65</sup> Births must be registered with the Civil Status Department within three months of the child's birth or nine months if the birth takes place outside of Syria.<sup>66</sup> Fines are applicable if the birth is registered outside of the time limits.<sup>67</sup>

62 The Civil Registry (*Nafous*) operates under the authority of the General Directorate for Civil Affairs, which is a subdivision of the Ministry of Interior.

63 Article 11, Civil Status Law.

64 Article 4, Child Rights Law.

65 Article 23(a), Civil Status Law.

66 Article 14(a), Civil Status Law.

67 Articles 67-68, Civil Status Law.





Children can only be registered if the parents are **legally married**.<sup>68</sup> If the marriage is not registered or the child is born out of wedlock, the child can still be registered but without the name of the mother or father on the birth certificate unless they expressly consent or unless there is a court decision authorizing this.<sup>69</sup>

Children of unknown parentage will be registered in the Civil Registry after the government agency responsible for such children, namely the Melody of Life Homes, chooses a name, including parental names and a family name, for the child. The Melody of Life Homes are also responsible for issuing a birth attestation and registering the child with the Civil Registry.<sup>70</sup>

In order to register a birth, a **birth notification** (*taqir wiladah*) confirming the birth, place of birth and date of birth must be provided. Medical providers such as doctors, midwives, directors of government hospitals and directors of private hospitals are legally required to provide birth notifications if they facilitated the birth or for any births in medical facilities.<sup>71</sup> In the absence of birth notification by medical professionals, mukhtars will ask the parents to obtain a police report attesting to the birth with statements confirming the birth from two adult witnesses. Following the issuance of the birth notification newborns must have their birth attested by a mukhtar. Such attestation (*shehadat wiladah*) must be submitted to the Civil Registry<sup>72</sup> together with proof of identification of the parents, the marriage certificate and/or the family book. The birth certificate (*bayan al-wilada*) can then be issued. Whilst Syrians previously had to travel to their place of origin to register civil events such as births in their local Civil Registry, they are now permitted to do so in any Civil Registry in the country.<sup>73</sup>

Birth certificates for Syrian children born abroad must be obtained in accordance with the laws and procedures for the countries in which they are born.<sup>74</sup> The birth certificates must then be registered with the closest Syrian Embassy or Consulate who will transfer the information to the Ministry of Foreign Affairs for entry in the records of the General Directorate for Civil Affairs in Syria.<sup>75</sup> Conversely, if it is difficult to access the Embassy or Consulate a certified copy of the birth certificate may be presented directly to the Civil Registry in Syria.<sup>76</sup> In practice many thousands of Syrian children born outside of Syria have not been registered with Syrian Embassies or Consulates.

If a child is not registered by the age of 18, they can only be registered following a decision issued by a subcommittee that is formed by decision of the governor at the center/municipality of the governorate.<sup>77</sup> Births of children of unregistered fathers or mother, who follow the nationality of the mother, can only be recorded following a decision issued by a central committee, formed under a ministerial decision.<sup>78</sup>

### 5.1.2 Births in informal marriages

Many marriages take place in Syria in **unregistered (urfi) marriages** (*katb al-ketab*) Such marriages can later be formally registered and children of the marriage can be registered. The marriage certificate will be back-dated to the actual date of the marriage by the *Sharia* Court, meaning that children are considered born within the marriage place and can thus be issued with a birth certificate reflecting their actual age.

68 Article 28(a), Civil Status Law.

69 Article 28(b), Civil Status Law.

70 Article 19, Legislative Decree on Children of Unknown Parentage.

71 Article 23, Civil Status Law.

72 Article 24, Civil Status Law; see also Articles 23-29.

73 Article 15, Civil Status Law.

74 Article 17, Civil Status Law.

75 Article 17, Civil Status Law.

76 Article 17(b), Civil Status Law.

77 Article 20(c), Civil Status Law.

78 Article 20(d), Civil Status Law.



However, registration of *urfi* marriages can become complex when the husband has died, disappeared or where the parties have separated and the husband does not wish to register the marriage. Witness statements can be submitted to the court to prove the existence of the marriage, but this can be a complex and stressful process. Without proof of the informal marriage, any children of the marriage are considered to be children born out of wedlock and thus illegitimate. The child acquires the nationality of his or her Syrian mother by law where the legal relationship to the father cannot be established under the Nationality Law.<sup>79</sup> However, very few women do so because of the stigma attached.<sup>80</sup>

Another complex situation is polygamous relationships in which one or more of the marriages is un-registered.<sup>81</sup> In such cases the wives of the second and subsequent marriages, as well as the children of the marriages can apply for the marriage to be registered, resulting in the issuance of a birth certificate for them.<sup>82</sup> Whilst polygamy is legal in Syria and a man may marry up to four wives, this is becoming increasingly rare, particularly outside of rural or tribal areas. Mixed religious marriages, such as between Christians and Muslims, are only possible between Muslim males and Christian females or in situations in which the Christian male converts to Islam.

## 5.2 Registration and Civil Documents

### 5.2.1 Issuance of Identity Cards and Family Booklets

In addition to issuing birth, marriage and death certificates, the **Civil Registry Offices** also issue family booklets, identification cards, voter registration cards and documents which are a pre-requisite for travel.<sup>83</sup>

Every Syrian citizen<sup>84</sup> (whether male or female) aged fourteen must obtain **an Identity Card** (*hawiya*) from the Civil Registry within one year of turning Fourteen.<sup>85</sup> Identity cards must be carried at all times<sup>86</sup> and are necessary for most aspects of life including accessing health services, sitting school exams, enrolling in university, working and marrying.

Parents or legal guardians must make the first application for an identity card on behalf of their child<sup>87</sup> and cards must subsequently be renewed every ten years.<sup>88</sup> Applications for identity cards must be made in person at Civil Registry Offices in Syria and cannot be obtained through Embassies or Consulates outside the country.

**Family booklets** (*daftar ayli*) are the key forms of identification and access to services for Syrian families. They include official confirmation of marital status and are updated to include children born of the marriage. They are necessary for school registration of children, travel, issuance of identity documents for children, and access to basic public services. The husband or wife must obtain a family booklet upon marriage which will confirm the marriage and list the children of the marriage.<sup>89</sup> In cases in which a husband has more than one wife, all wives and their children are included in the family booklet.<sup>90</sup> Changes to the family situation, such as new children of the marriage, should be updated in the family booklet within three months of the event, or nine months if the event occurred outside Syria.<sup>91</sup>

79 Article 3(b), Nationality Law.

80 ISI/NRC, [Understanding Statelessness in the Syria Refugee Context](#), 2016, p17.

81 See ISI/NRC report, p39.

82 Article 37, Syrian Personal Status Law.

83 Article 2, Civil Status Law.

84 The term here is used for all Syrians regardless of ethnicity, including Arabs, Kurds, Turkmen, Syriac, Sharkesian, Armenian and other groups.

85 Article 51, Civil Status Law.

86 Article 55, Civil Status Law.

87 Article 53, Civil Status Law.

88 Article 56, Civil Status Law.

89 Article 61, Civil Status Law.

90 Regulation 56(1), Civil Status Law.

91 Article 14, Civil Status Law.



There are various fines for late registration of civil status events depending on the delay and document in question.<sup>92</sup> In addition to fines there are penalties for misuse of civil status documents such as family booklets or identity cards, including use of another person's documents.<sup>93</sup>

## 5.2.2 Correcting and Amending Official Records

**Material errors in civil status records**, such as administrative or clerical errors, can be corrected by the competent civil registrar and must be certified by the director of civil affairs in the governorate.<sup>94</sup> However for other types of changes, civil status records can only be amended pursuant to a judgment issued by a judge of the magistrate court.<sup>95</sup> Changes to places or dates of birth can only be amended or corrected on the grounds of civil forgery. (i.e. on the basis that the original documents on which entry was made were forged).<sup>96</sup>

Persons who commit forgery of official documents, or who submit a false identity for the purpose of bringing benefit for themselves or others or with the interest of harming the rights of others are subject to imprisonment or fines.<sup>97</sup>

## 5.2.3 Unregistered Persons

Persons who are **not registered with the Civil Registry** but whose father or parents are registered in the civil records are called *maktoum*. This is in contrast to Syrians (and their descendants) who were registered as 'foreign' in the 1962 census and do not have Syrian nationality (*ajanib*), the majority of which are Syrian Kurds.<sup>98</sup> *Maktoum* under eighteen can be registered with the Civil Registry by submitting a birth notification, a birth attestation issued by the *mukhtar*, the marriage certificate of the parents and a police report. However, the registration of *maktoum* who are over the age of eighteen is more complicated and requires a special administrative procedure.

The issuance of Decree 49 by the GoS in 2011 has facilitated the registration, and acquisition of nationality, of many thousands of stateless Kurds (*ajanab*) in Syria.<sup>99</sup>

92 Articles 66-77, Civil Status Law.

93 Articles 71-72, 76-77, Civil Status Law.

94 Article 46(e), Civil Status Law.

95 Article 46(a), Civil Status Law. However, matters arising in the religion or sect may be amended based on administrative documents, procedures or certifications.

96 Article 46 (c), Civil Status Law.

97 Articles 448 and 458, Penal Code, as amended by Legislative Decree No. 148 of 1949.

98 ISI/NRC report.

99 ISI/NRC report, p18.



A good day, (Photo: Tareq Mhadili/NRC)





Winter in Idlib (Photo: Tareq Mnadili/NRC)



## 6. NATIONALITY AND NON-NATIONALS, INCLUDING FOREIGN RESIDENTS

**Syrian nationality is derived paternally** although there are certain provisions for the acquisition of Syrian nationality through the mother, for children of unknown parentage and for non-nationals. Syrians without Syrian nationality are considered stateless and face various challenges in accessing rights and entitlements.

Palestinian Refugees in Syria that are registered with the General Authority for Palestinian Arab Refugees (GAPAR) are treated as Syrians, except with regard to acquiring Syrian nationality, in order to preserve their right of return, whilst all other foreign residents in Syria must have a residency permit.

### 6.1 Eligibility for Syrian Nationality

Eligibility for Syrian nationality is defined in the **Syrian Nationality Law** and is primarily derived from the father by law.<sup>100</sup> The right to nationality is also confirmed in the Child Rights Law<sup>101</sup> as well as the Constitution.<sup>102</sup>

Pursuant to Article 3, the following persons are considered Syrian nationals:

- Anyone born inside or outside the country to a Syrian Arab father.
- Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.
- Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling in the country shall be considered born in it, at the place in which he is found unless proved otherwise.
- Anyone born in the country and was not, at the time of his birth, entitled to acquire a foreign nationality by virtue of his parentage.<sup>103</sup>

100 Article 3, Nationality Law.

101 Article 5, Child Rights Law.

102 Article 33(2), Constitution.

103 Article 3, Nationality Law.



Whilst Syrian nationality can theoretically be obtained through the Syrian mother where the family relationship to the father is not established,<sup>104</sup> this provision is rarely used in practice on account of the social stigma and other legal implications of registering children born out of wedlock.<sup>105</sup> Children of mixed marriages, where the father is non-Syrian and the mother is Syrian, will typically acquire the nationality of the father.

Syrian nationality can also be acquired through naturalization. A non-national who has lived in Syria for over 10 years, and meets other requirements, including the ability to speak and read Arabic fluently can be naturalized.<sup>106</sup> Non-Syrian women may become naturalized Syrians through their Syrian husbands.<sup>107</sup> Nationals of some Arabic countries may also be eligible for Syrian nationality.<sup>108</sup> Syria permits dual nationality which allows Syrians to be nationals of two or more countries.<sup>109</sup>

Syrian nationality can also be forfeited for various reasons including “engaging in any activity or work for a country which is in a state of war with the country [Syria]”<sup>110</sup>

Every Syrian national is entitled to receive a Syrian passport. In the case of children, consent of the child's father or legal guardian is necessary for the passport to be issued. However, consent of both parents is required for travel of the child outside of the country.

## 6.2 Stateless Persons in Syria

There are many long-term residents of Syria who do not have Syrian nationality including **stateless** Kurds, Palestinian refugees not registered at GAPAR in Syria and children of Syrian mothers and foreign fathers who are living in Syria if they couldn't acquire their father's nationality. Whilst such children may, in most cases, have the nationality of the father there are circumstances in which this may not be possible and the children will be legally (*de jure*) or factually (*de facto*) stateless. Certain other minority groups within Syria, such as the Dom,<sup>111</sup> may also be considered stateless.

Amongst the stateless Kurds are persons who were never registered in Syria at all (*maktoum*) and are unable to obtain Syrian nationality. As the legal status of parents is inherited by their children, they too are stateless.<sup>112</sup>

In 2011 Syria passed Legislative Decree No. 49 which provided the opportunity for many *ajanib* Kurds to re-acquire Syrian nationality. Whilst thousands of Syrian Kurds have regained their Syrian nationality under this law, many others did not and remain stateless. *Ajanib* who have not acquired Syrian nationality often possess a ‘red card’ (*bitaqa ajanabi*) or so-called ‘red card’ which is an identification document issued by authorities for this group of persons.<sup>113</sup>

*Maktoum* in Syria remain unregistered and typically possess identity certificates issued by mukhtars (*tareef* cards).<sup>114</sup> *Tareef* cards can be used as basic proof of identity for *maktoum* in their hometowns inside Syria but the uses of the card are limited.<sup>115</sup>

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104 Article 3(b), Nationality Law.

105 See, ISI/NRC report, p17.

106 Article 4, Nationality Law.

107 Article 8(1), Nationality Law.

108 Article 6(c), Nationality Law.

109 See ISI/NRC report.

110 Chapter 7, Nationality Law.

111 The Dom are a traditionally nomadic community found across much of the MENA region who are believed to share its roots with the Roma of Europe. See ISI/NRC report, p47.

112 ISI/NRC report, p18.

113 ISI/NRC report, p18.

114 ISI/NRC report.

115 ISI/NRC report, pp42, 45-46.



### 6.3 Residency and Registration of non-Syrians including Palestinian refugees in Syria

The **General Authority for Palestinian Arab Refugees (GAPAR)** is responsible for the registration of Palestinian refugees in Syria<sup>116</sup> and all Palestinians living in Syria are required to register with GAPAR.<sup>117</sup> Law No. 260 of 1956 entitles registered Palestinians to rights in relation to residence, movement, work, trade and access to civil service matters.<sup>118</sup> Palestinians registered with GAPAR are issued with identity cards as of the age of 14 as is the case for Syrian nationals.

In accordance with the Protocol for the Treatment of Palestinians in Arab countries,<sup>119</sup> Palestinian nationality is preserved for Palestinians in order to protect their future right of return to Palestine. Consequently, Palestinians cannot become naturalised Syrian nationals despite their length of time in the country. Children of Palestinian fathers and Syrian mothers will acquire the Palestinian nationality of the father and must be registered with GAPAR. There are also an unknown number of Palestinians that remain unregistered or are ineligible for registration with UNRWA.<sup>120</sup> Persons eligible for registration with UNRWA are those who meet UNRWA's criteria to be described as Palestine Refugees.<sup>121</sup>

Palestinians may apply for marriage, birth, divorce and death certificates under the same procedures as Syrian nationals. Registration of these events must be done through the GAPAR registry. Syrian laissez-passer or travel documents for Palestinians habitually resident in Syria are issued upon request provided that they are registered with GAPAR and hold residence cards.<sup>122</sup> These documents are valid for six years and permit re-entry to Syria without a visa.

All foreigners residing in Syria, including all non-Syrians, must have a valid residency permit under the Entry, Exit and Residence of Foreigners Law of 2014.<sup>123</sup> Foreign residents must obtain a residence permit specifying their reason for the residence in Syria and confirming they have sufficient funds to support themselves during their stay in Syria.<sup>124</sup> They must agree to leave at the end of their resident permit unless the permit is renewed.

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116 Law No. 260 of 1956 on Granting Palestinians the Same Status as Syrian Nationals.

117 Law No. 1311 of 1963.

118 Law No. 260 of 1956.

119 Protocol for the Treatment of Palestinians in Arab countries 'Casablanca Protocol', League of Arab States, 1965.

120 See for example ISI/NRC report, pp47-48 on non-ID Palestinians or unregistered children of Palestinian Refugees in Syria.

121 Palestine refugees are defined as "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict." <https://www.unrwa.org/palestine-refugees>. Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services. Once they are registered with UNRWA, persons in this category are referred to as Registered Refugees or as Registered Palestine Refugees.

122 Under Law No. 1311 of 1963; see also Decree No. 28 of 1960.

123 Law No 2 of 2014 on Entry, Exit, and Residence of Foreigners in Syria.

124 Article 16, Law No. 2 of 2014.





Hasan's Family (Photo: Tareq Mnadili/NRC)



## 7. PERSONAL STATUS AND FAMILY RIGHTS

The **right to family life** is confirmed in various provisions of the Syrian Constitution and the Child Rights Law. The Constitution notes that the family is the "nucleus of society" whilst the State shall "protect and encourage marriage... protect maternity and childhood, take care of young children and youth and provide the suitable conditions for the development of their talents."<sup>125</sup>

The Child Rights Law contains a chapter on Family Rights,<sup>126</sup> noting that the family is the natural place for the child<sup>127</sup> and that "every child has the right of custody, protection, education and care from parents, society and the State".<sup>128</sup>

Syria's **Personal Status Law** sets out the main rules, requirements, restrictions and responsibilities in relation to issues of family law affecting children. These include marriage, child maintenance, custody, guardianship, divorce and inheritance. The Personal Status Law is based on principles of *Sharia* law. Matters not covered by the Personal Status Law shall be determined by reference to jurisprudence from the Islamic school of law most relevant to the issue.<sup>129</sup>

Whilst non-Muslims, such as Christians and Jews, may apply their own religious laws in relation to marital issues, including divorce, child custody and maintenance.<sup>130</sup>

*Sharia* courts have full jurisdiction over all Syrians, regardless of religion, on "matters relating to: guardianship, registration of deaths; legal capacity and proof of majority; missing persons and determination of paternity."<sup>131</sup>

125 Article 20(1) and (2), Constitution.

126 Chapter 3, Child Rights Law.

127 Article 17, Child Rights Law.

128 Article 15, Child Rights Law.

129 Article 305, Personal Status law; See NRC/UNHCR, Analysis of Revisions to the Syrian Personal Status Law through Law 4 and Law 20 of 2019; NRC/UNHCR Personal Status Law Report, p20.

130 Article 308, Personal Status Law.

131 Article 468, Law of Judicial Procedures, Law No. 1 of 2016. see also the "Lost Identity" report of the Norwegian Refugee Council, p. 32



## 7.1 Marriage

### 7.1.1 Age of Marriage, including Child Marriage

The **age of capacity for marriage has been raised to 18 years old for both boys and girls.**<sup>132</sup> However, adolescent children of at least 15 years of age may be married if they meet certain conditions.<sup>133</sup> The judge granting permission has discretion to see if the required elements are met, namely that the parties: (i) must be sincere;<sup>134</sup> (ii) must be physically able to have sexual relations;<sup>135</sup> (iii) must have the consent of their legal guardian;<sup>136</sup> and (iv) the bride must give her approval.<sup>137</sup> A judge may also require couples to attend sessions on marital life. Moreover, a judge may withhold permission if there is a disparity in age or if the judge can see no benefit of the marriage.<sup>138</sup>

Children under 18 and unmarried women over 18 require a marriage guardian who must consent to the marriage on their behalf.<sup>139</sup> The legal guardian is typically the father or paternal grandfather but the mother may also now act as 'marriage guardian' without the consent of a judge where the (male) legal guardian is absent and unreachable.<sup>140</sup> Conducting a marriage of a minor without the approval of his or her guardian is punishable by imprisonment of one (1) to six (6) months and a fine between SP50,000 and SP100,000.<sup>141</sup> A marriage of a minor that is conducted without the approval of the court is punishable by a fine of SP25,000 to SP50,000 even if done with the approval of a guardian.<sup>142</sup>

### 7.1.2 Documents necessary for Marriage Registration

**Documents necessary for a marriage** include:

- A certificate issued by the *mukhtar* stating the name, age, and place of residence of both parties, the name of the marriage guardian, and a statement that there is no lawful impediment to the marriage
- A certified extract from the Civil Registry (*qayd nufus*) certifying the parties' civil status
- Proof of a premarital medical examination confirming that there are no medical impediments to the marriage.
- Permission for marriage from the Security Department if one of the parties is a foreigner.<sup>143</sup>

After presenting these documents and the marriage contract before the *Sharia* judge (in the presence of the guardian), the marriage will be registered in the official records in the civil registry. Marriage certificates contain the full names of both parties and their place of origin, date and place of the marriage contract, full names of witnesses and guardians and their place of origin, the amount of dower (advance dower (*mahr*) and deferred dower),<sup>144</sup> signatures of all relevant parties and the marriage official and the approval of the judge.<sup>145</sup>

132 Articles 15(1), 16, Personal Status Law; Article 19, Children's Rights Law; NRC/UNHCR Personal Status Law Report p9.

133 Article 18(1), Personal Status Law; NRC/UNHCR Personal Status Law Report, p9.

134 Article 18(1), Personal Status Law; NRC/UNHCR Personal Status Law Report, p9.

135 Article 18(1), Personal Status Law; NRC/UNHCR Personal Status Law Report, p9.

136 Article 18(2), Personal Status Law.

137 Article 21, Personal Status Law; NRC/UNHCR Report Personal Status Law Report, p10.

138 Article 19, Personal Status Law.

139 Article 21, Personal Status Law. This is only applicable to women who have not previously been married.

140 Article 2, Personal Status Law.

141 Article 469(1), Penal Code as amended by Law No. 24 of 2018 which amended some articles of the Penal Code related to concluding marriage contracts outside the competent court.

142 Article 469(2), Penal Code.

143 Article 40, Personal Status Law.

144 Dower or *mahr* is the payment of money or possessions by the groom to the wife at the time of the marriage. *Mahr* is provided in two parts, namely an immediate payment or installment and a later deferred payment or installment

145 Article 44, Personal Status Law.



After documenting the marriage contract, the court must send the contract with its supporting documents to the nearest civil registry in order to register the marriage in the couple's record. They will then be able to obtain a marriage certificate and a family booklet as well.

### 7.1.3 informal marriages

**Informal marriages** are common in Syria and such customary marriages can later be formally registered provided that the requirements for marriage are met.<sup>146</sup> Such marriages often take place within the community through *Ketb Al Ketab* marriage ceremonies officiated by sheikhs under *urf* or customary practices. Often *urfi* marriages are registered when parents require a birth certificate for school enrolment for children.

Marriages will still be validated if a child is born prior to the formal marriage or if the spouse is pregnant.<sup>147</sup> In practice *Sharia* court judges will backdate the marriage certificate to the date of the customary marriage, meaning that any children born of the relationship are considered to be children born of a valid marriage. However, birth certificates for children of informal marriages can only be obtained once the marriage is formally registered.<sup>148</sup> Children born in a marriage are legally attributed to the husband unless it can be proven that there was no tangible relationship between the parties at the time.<sup>149</sup>

If the parents do not meet all the conditions for a registered marriage, the marriage is considered 'void'.<sup>150</sup> Children born of void marriages may be registered but their parents' names will not be mentioned unless a judicial decision confirms the child's lineage.<sup>151</sup> If the child's lineage is confirmed, then the illegitimate child will be registered under the father's residence.<sup>152</sup>

## 7.2 Parental Responsibilities

Issues of **parental responsibility, legal guardianship, duties of care and custody of children** are closely linked in *Sharia* law and **clearly defined in the Personal Status Law**. The Child Rights Law confirms that parents have primary responsibility for raising and caring for their children.<sup>153</sup>

Whilst both parents have responsibility for the upbringing of the child, the mother has a greater formal role under the concept of '*hadana*' in *Sharia* law which involves custody of the child and daily care and responsibility, including raising the child and attending to daily needs. Children no longer require a custodian after the age of 15 when they can decide which parent to live with if the parents are separated. Legal guardianship or '*wilaya*' typically rests with the father. The guardian is the legal representative of the child and is responsible for major life decisions as well as the child's legal status and financial affairs.

### 7.2.1 Guardianship of Children

The father, or the paternal grandfather in the absence of the father, has **legal guardianship** over children of the marriage as well as over any possessions of the child.<sup>154</sup> Legal guardianship formally ends once a child turns 18.<sup>155</sup> There are two types of guardianship, namely legal guardianship (*wilaya*) and appointed guardianship (*wisaya*).

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146 See NRC/UNHCR Personal Status Law report, p11.

147 Article 40, Personal Status Law.

148 Art 28(1), 45, Personal Status Law, Ministry of Interior Decision No. 1/M/N New Civil Status Executive Regulations 2021 ('Ministry of Interior Decision No. 1).

149 Article 129, Personal Status Law.

150 Article 48(1), Personal Status Law.

151 Article 28(2), Ministry of Interior Decision No. 1.

152 Article 133, Personal Status Law.

153 Article 18, Child Rights Law.

154 Article 172, Personal Status Law.

155 Article 163(4), Personal Status Law.





Legal guardianship involves control over a child's education, medical treatment, career guidance, consent to marriage and any other affairs concerning the minor's interests.<sup>156</sup> The law differentiates between guardianship over the minor/person (*al-wilayat ala al-nafes*) and guardianship over the minor's property (*al-wilayat ala al-mal*). Under the Personal Status Law both types of guardianships are an agnatic right,<sup>157</sup> and derive from the father's side of the family.

Appointed guardianship (*wisaya*) applies in cases in which a guardian is appointed by the family or court. These are typically situations in which the father or paternal grandfather are not available or not considered suitable to act as guardian. For example, an appointed guardian may be organized by a father who is living overseas, or through the court for a father who is in prison. Legal guardianship by the parent may be suspended for juveniles subject to reform measures for criminal matters, such as during placement in a juvenile reform institute.<sup>158</sup>

## 7.2.2 Custody

In accordance with the Personal Status Law the **right to custody** is the prerogative of the mother. As noted above, custody relates to the right to raise the child, while all legal decisions are governed by guardianship. The mother acts as the custodian of children of the marriage until they turn 15.<sup>159</sup> After that time the children can themselves decide if they wish to live with the mother or the father.

If the mother cannot act as the custodian of the child, the following persons shall have the right to claim custody in the following order: the father; the maternal grandmother; the paternal grandmother; blood sister; the maternal aunt (sister of the mother); the paternal aunt (sister of the father); the daughter of the sister; the daughter of the sister of the mother; the daughter of the sister of the father; maternal aunts; paternal aunts; and then the males in the family according to the order of lineage.<sup>160</sup>

In order to act as custodian the person must be of sound mind, mature, free from serious infectious diseases, capable of raising and caring for the health, safety and morals of the child.<sup>161</sup> If the custodian is a woman, they cannot be married to a man that is unrelated to the child (*non-mahram*), unless the court decides otherwise.<sup>162</sup> A woman loses her right to custody when she re-marries outside the child's immediate family.<sup>163</sup> If the custodian is a man, he is not permitted to raise a child on his own; rather a woman fit for nursing children should be present to help him with the child's upbringing and the man must be inadmissible for marriage to the female child (*mahram*). If mother and child are separated, the mother (or the maternal grandmother) can ask the *Sharia* court to return the children without the need to go to court.<sup>164</sup> In case of multiple parties with custodian rights, the judge have discretion in deciding the better choice for custody.

## 7.3 Paternity of Children

**Paternity** can be established by marriage, acknowledgement (*iqrar*) or by evidence.<sup>165</sup> Children are presumed to be children of the marriage unless a court orders otherwise.<sup>166</sup> Fathers are listed on the birth certificates in cases involving registered marriages. In unregistered or *urfi* marriages one of the spouses can apply to the court to register the marriage and establish parental affiliation, including paternity, of any children born of the marriage.<sup>167</sup>

156 Article 170, Personal Status Law, as amended by Law No. 4 of 2019 and Law No. 20 of 2019.

157 An agnatic right is a right which passes to the firstborn child, very often the firstborn son and prioritises the rights of the father, grandfather and the paternal line of inheritance.

158 Article 12, Juvenile Delinquent Law.

159 Article 146, Personal Status Law.

160 Article 139, Personal Status Law.

161 Article 137, Personal Status Law.

162 Article 138, Personal Status Law.

163 Article 137(2), Personal Status Law.

164 Article 139, Personal Status Law

165 Article 128, Personal Status Law.

166 Article 49, Personal Status Law.

167 Article 129, Personal Status Law. see NRC/UNHCR Personal Status Law Report, p17.



The court decision can then be used to register the child at the registry office. However, in cases of children born out of wedlock the parent's names cannot be included on the birth certificate and the child is considered to be of unknown parentage (*majhul al-nasab*).

In order to determine paternity by marriage the Personal Status Law uses a timeframe for the pregnancy of between 180 and 365 days.<sup>168</sup> If the marriage took place at least 180 days prior to the birth of the child or the child was born within 365 days since last contact with the husband the birth of the child within the marriage can be validated provided that the court is satisfied that physical contact between the spouses was possible during this period (i.e. that one of the spouses was not imprisoned or overseas).<sup>169</sup> Paternity can be denied by a husband by swearing an oath (*lian*) before a *Sharia* court judge denying paternity but this is apparently rare.<sup>170</sup> Under recent changes to the Personal Status Law, DNA evidence is now admissible for proving paternity (*nasab*) in cases that do not involve a dispute between spouses.

Cases of paternity by acknowledgement include situations in which the father acknowledges paternity before the court or where the court accepts other forms of evidence to establish paternity. *Sharia* courts have wide discretion to determine such cases in the best interests of the child and can accept witness evidence of a persons' acknowledgement of paternity, including for example witness statements testifying to the fact that a father confirmed having sexual relations with the mother.<sup>171</sup> Children can also make an acknowledgement of paternity, provided the alleged parent consents.<sup>172</sup> Acknowledgement of paternity is possible where the child is of unknown parentage, and their age difference would allow the child to belong to the parent.<sup>173</sup> *Sharia* courts have exclusive jurisdiction over cases involving parentage, including for Muslims and non-Muslims. **Maternity** can also be proven through marriage, acknowledgement or evidence.

## 7.4 Maintenance

A husband is obliged to provide **maintenance** to his wife (*nafaqa*) during the marriage and for a maximum period of one year after separation or divorce, unless the wife re-marries during this period. Pregnant women are also entitled to maintenance. Maintenance includes housing, clothing, food, medical care for the wife and children.<sup>174</sup> If the husband fails to provide maintenance the wife can claim maintenance through a court application.<sup>175</sup>

Where a wife is widowed or divorced, not re-married and under 40 years of age she requires a guardian (*muhamram*) who is typically the father, brother or uncle. The *muhamram* may ask the wife to live in his house provided that she is under 40 years old. If she refuses, she forfeits the right to spousal maintenance.<sup>176</sup> If a wife is widowed, she is not permitted to remarry during the waiting period (*idda*) which varies but is approximately four months. Widowed women are entitled to remain in the marital home during the waiting (*idda*) period.<sup>177</sup>

The obligation for maintenance of a child lies with the father, unless the father is was poor and incapable of spending and earning due to a physical or mental illnesses and assuming the child has no independent funds. In this case, maintenance is obligation of the person who has the legal responsibility for the child in the absence of the father. If the father cannot pay the maintenance, responsibility moves to the mother, paternal grandfather, maternal grandfather and so on, subject to their financial means. The father's responsibility for maintenance of his or her children continues until the female child marries and the male child is able to work and earn.

168 Article 128(3), Personal Status Law, Court of Cassation, Personal Status Chamber, Decision No. 722 of 1986.

169 Article 129(1), Personal Status Law, see also NRC Unregistered Marriage Report, p12.

170 Article 129(3), Personal Status Law, Court of Cassation, Personal Status chamber, Decision No. 223 of 1985; see also NRC Unregistered Marriage Report, p12.

171 NRC Unregistered Marriage Report.

172 Article 135, Personal Status Law.

173 Article 134(1), Personal Status Law, Article 134(1), Court of Cassation, Personal Status Chamber, Decision No. 364 of 1972.

174 Article 71, Personal Status Law.

175 Article 71, Personal Status Law.

176 Article 151, Personal Status Law.

177 Articles 74-75, Personal Status Law; see also NRC/UNHCR Personal Status Law Report, p4.



## 7.5 Divorce

Different grounds for termination of a marital relationship exist in the Personal Status Law. Husbands may make a unilateral declaration of divorce (*talaq*).<sup>178</sup> Divorce is also possible through mutual consent<sup>179</sup> and for various other reasons including insanity of the husband or inability to consummate the marriage.<sup>180</sup>

Other grounds of divorce, including those available to women, include:

- When a husband is absent or missing without a reasonable justification or when he is sentenced to more than three years in prison. In such cases the wife can file a petition for divorce after one year of his disappearance or six months of his imprisonment. However, divorce on this ground is revocable if the husband re-appears.<sup>181</sup> or if he is released from imprisonment during the waiting period.
- When a husband does not pay maintenance, although he is financially capable of doing so.<sup>182</sup>
- Discord, namely where the other person is causing so much harm that it is impossible to continue their marriage.<sup>183</sup>

In cases of separation a *Sharia* court judge will try and mediate or resolve the dispute between the parties.<sup>184</sup> If this is not possible and there is a legal and factual basis for the divorce, then the separation takes place by a judicial decision.

## 7.6 Visitation rights

In situations where the parents are separated or divorced, spouses and grandparents have the **right to visitation** with their children or grandchildren. If the parent with custody, typically the mother, denies visitation rights the court can issue an immediate visitation order. Where the parent is absent or deceased, the grandparents have visitation rights in relation to the child.<sup>185</sup>

## 7.7 Travel with Children

Under recent changes to the Civil Status Law, the consent of both parents is necessary to **travel with the child**, either inside or outside Syria, during marriage, separation or divorce. Permission to travel inside Syria is necessary where one of the parents intends to relocate to another governorate inside Syria. Where a parent is missing, deceased, out of the country, or refuses to grant travel permission, the other parent can petition the court directly. The judge can waive the consent requirement if it is in the best interest of the child.<sup>186</sup>

## 7.8 Inheritance

The father, or the paternal grandfather, acts as legal guardian for any possessions of the child, including **inheritance** (*al-wilayat ala al-mal*). This includes managing, saving or investing any possessions of the child under guardianship, including any funds or properties. However the guardianship may be revoked if the legal guardian misuses the funds, there is a risk of the possessions being lost or the guardian is missing, imprisoned or arrested. In such cases a temporary guardian may be appointed. Nor may the legal guardian donate, invest in or sell the properties of the child without a court order.<sup>187</sup>

178 Articles 85-87, 91, 94, Personal Status Law.

179 Article 88, Personal Status Law.

180 Article 105, Personal Status Law.

181 Article 109, Personal Status Law.

182 Article 110, Personal Status Law.

183 Article 112, Personal Status Law.

184 See for example Articles 88, 112, Personal Status Law.

185 Article 148, Personal Status Law.

186 Article 150, Personal Status Law; see also NRC/UNHCR Personal Status Law Report, p19.

187 Article 172, Personal Status Law.





Whilst females are still only able to inherit half of the male share, recent changes to inheritance law in the Personal Status Law have increased equality between male and female siblings, particularly in relation to direct inheritance from paternal or maternal grandparents, the circumstances in which women can inherit from relatives and the size of the share they can receive in certain circumstances.<sup>188</sup>

## 7.9 Children of unknown parentage

**Children of unknown parentage** are defined as children who are found and whose parents are unknown or whose parentage is not established.<sup>189</sup> so that the lineage is unknown or cannot be traced. The definition also includes children who have no one to legally support them or are lost and unable to guide others to their parents due to their young age, mental impairment, as result of being deaf and mute, or because their family does not try to recover them.<sup>190</sup>

The Constitution notes the particular obligation on the State to provide protection for orphans<sup>191</sup> whilst the Legislative Decree on Regulating the Affairs and Care of Children of Unknown Parentage<sup>192</sup> sets out the special duties and responsibilities for the State and society in general in caring for children in such cases. Children of unknown parentage are entitled to appropriate conditions for their proper development and a supportive environment for their upbringing and education.<sup>193</sup>

They also have the right to protection from neglect and exploitation and the right to enjoyment of all rights and freedoms without discrimination.<sup>194</sup> This includes protection from being identified as a child of unknown parentage, which can result in discrimination.<sup>195</sup> The Legislative Decree establishes an institution called the 'Melody of Life Homes' to be responsible for the supervision and care of children of unknown parentage.

Melody of Life Homes also assume guardianship over the children of unknown parentage in accordance with the provisions of the Personal Status Law.<sup>196</sup> Whoever finds a child of unknown descent is required to immediately notify the police who will investigate the issue, make a report and notify the Public Prosecutor and the Melody of Life homes.

The child will be immediately transferred to a public hospital for a health check before being transferred into the custody of the Melody of Life homes pursuant to a decision of the Public Prosecutor.<sup>197</sup> The Melody of Life Home will then choose a suitable name for the child, issue a birth attestation and register the child as of unknown parentage in accordance with the Civil Status Law.<sup>198</sup> The place where the child was found shall be deemed to be the place of birth unless proven otherwise.<sup>199</sup>

A child of unknown birth shall be deemed to a Syrian Arab Muslim unless proved otherwise or proven by a court decision.<sup>200</sup> Any person claiming kinship of a child of unknown parentage shall be subject to the parentage regulations stipulated in the personal status laws.<sup>201</sup>

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188 Articles 257, 278 and 279, Personal Status Law; see also analysis contained in NRC/UNHCR Personal Status Law Report, p19.

189 Article 1, Legislative Decree on Children of Unknown Parentage.

190 Article 3, Legislative Decree on Children of Unknown Parentage. See also Article 29, Civil Status Law. Please note that the 1970 Law of Custody of Foundlings (*qanun riaya al-luqata*) was abolished in 2007, following the promulgation of the 2007 Civil Status Law.

191 Article 22, Constitution.

192 Legislative Decree on Regulating the Affairs and Care of Children of Unknown Parentage.

193 Article 2, Legislative Decree on Children of Unknown Parentage.

194 Article 2, Legislative Decree on Children of Unknown Parentage.

195 Articles 2, 24, Legislative Decree on Children of Unknown Parentage.

196 Article 27 of Legislative Decree on Children of Unknown Parentage.

197 Article 18, Legislative Decree on Children of Unknown Parentage.

198 Article 19, Legislative Decree on Children of Unknown Parentage.

199 Article 20, Legislative Decree on Children of Unknown Parentage.

200 Articles 21,22, Legislative Decree on Children of Unknown Parentage.

201 Article 25(A) of Legislative Decree on Children of Unknown Parentage.



If parentage of the father or mother is later proven pursuant to a final judicial decision, the child shall be re-registered in the parent's names by the Civil Status Department.<sup>202</sup> There are penalties for persons who do not report children of unknown parentage to the police or who conceal any information indicating the identity of the child or their parentage.<sup>203</sup>

Melody of Life Homes shall provide substitute care options that suit the needs of the child of unknown parentage, and must ensure that a suitable environment is secured for them, whether by caring for the child within the Melody of Life Homes or by placing them in a substitute family or a care institution if a substitute family is not available.<sup>204</sup>

Executive regulations specified the placement arrangements, documents and procedures.<sup>205</sup> Children under the age of seven shall be placed in a substitute family whilst children over seven shall be placed in care institutions.<sup>206</sup>

The regulations state that an application from the substitute family must be submitted with the following documents:

- family statement
- residency document
- certified medical report confirming that the family is free from communicable and contagious diseases or any other diseases that may affect the child's health
- statement of non-conviction
- if one or both of the spouses is infertile, a health certificate on infertility should be added to the application.

Once submitted, the application for placement will be examined and a visit will be conducted to the family. After a placement contract has been signed, the Melody of Life Homes is required to make periodic visits to the family to follow up on the child's situation every three months until he/ she completes three years of age, every six months until he/she completes six years of age, and every year from the age of seven years until he completes eighteen years of age.<sup>207</sup>

The relationship between the substitute family and the child of unknown parentage is regulated by the legal controls and limits set forth in the personal status laws.<sup>208</sup> The eligibility criteria for substitute families, including single women (unmarried, divorced or widowed women) are set out in the Decree.<sup>209</sup>

Substitute families are responsible for securing all the needs of the child in their care, protecting them, and preventing their exploitation or abuse. They must also provide them with proper education and moral guidance.<sup>210</sup> In order to travel outside Syria, the substitute family must obtain approval from a *Sharia* judge and the Melody of Life Homes.<sup>211</sup>

Placement arrangements can be terminated in certain circumstances, such as re-appearance of one of the child's parents or violation of the conditions of the placement arrangements by the substitute family.<sup>212</sup>

202 Articles 25(B), (C) of Legislative Decree on Children of Unknown Parentage.

203 Article 45, Legislative Decree on Children of Unknown Parentage.

204 Article 28(B), Legislative Decree on Children of Unknown Parentage.

205 Article 31, Legislative Decree on Children of Unknown Parentage. Please note that adoption (*tabanni*) is considered contrary to the values of Islam and is not recognized in the Personal Status Law, whilst substitute family or foster care arrangements are considered the most suitable arrangements for the care of children of unknown parentage.

206 Article 32, Legislative Decree on Children of Unknown Parentage.

207 Executive Regulations were issued by the Ministry of Labour and Social Affairs on 31 January 2023.

208 Article 33, Legislative Decree on Children of Unknown Parentage.

209 Articles 34, 35, Legislative Decree on Children of Unknown Parentage.

210 Article 36, Legislative Decree on Children of Unknown Parentage.

211 Article 36, Legislative Decree on Children of Unknown Parentage.

212 Article 38, Legislative Decree on Children of Unknown Parentage.



Procedures also exist for children born outside of marriage. If the father is unknown, an unmarried mother can ask the Civil Registry to register the child under her name and surname. In the absence of official documents proving the lineage of the child to the mother, this requires a decision of the *Sharia* court proving maternity. Similarly, in cases of sexually assault resulting in pregnancy, a decision of the *Sharia* court is necessary in order to prove maternity in the absence of the conditions required by Article 28 of the Civil Status Law, i.e. the existence of official documents by which the mother can register the child directly in the civil registry.<sup>213</sup>

However, if official documents are available, the mother can register the child directly in the Civil Registry without the need for a court decision.<sup>214</sup>

The Civil Status Law does not mention the type of official documents according to which the mother can register the child in the Civil Registry with her name and surname, but as a matter of practical implementation, and according to the executive regulations of Legislative Decree No. 17 of 2022, the necessary official documents are the birth notification from the hospital where the birth occurred and a police report of the incident.

## 7.10 Alternative care arrangements

The Child Rights Law sets out the key principles for care of children including **alternative care arrangements for children where family care is not available**.<sup>215</sup>

Article 44 provides the following guidance:

- family is the most suitable natural place for the child and the state shall support it to carry out its duties, while alternative care systems shall be deemed as a last resort;
- extended family shall be the more appropriate option for alternative care according to the degree of kinship and competence;
- the child's opinion and wishes shall be taken into account according to maturity age, when choosing a form of alternative care;
- the lineage of the child shall be preserved in accordance with the legal rights;
- it is preferable to care for all children of the family in one location; and
- alternative care agencies shall commit to providing decent care without discrimination, and to ensure the child's safety, health, growth, education and well-being.

Given the novelty of Child Rights Law, its interpretation and scope of implementation remains relatively untested. For juveniles subject to reform measures, such as placement in a juvenile reform institute, the director of the institute shall exercise the duty of care and upbringing in the name of the Juvenile Court.<sup>216</sup>

Children of unknown parentage are the responsibility of the Melody of Life Homes, a specialist government agency, who will place such children either with a substitute family or in a care institution, depending on the age and circumstances of the child.<sup>217</sup> To be eligible as a substitute family, the adults must be between 30-55 years of age, married for at least five years (with certain exceptions), physically and mentally healthy and assessed as suitable for child care.<sup>218</sup> There are special requirements for single, divorced or widowed female applicants wishing to act as substitute families for a child of unknown parentage.<sup>219</sup>

213 Article 28 of the Civil Status Law. NRC Unregistered Marriage Report, p13.

214 Article 1 from the Legislative Decree No.17/2022 amending article 28 from the civil status Law No. 13/2021.

215 Articles 42-44, Child Rights Law. See also Articles 28-31, Legislative Decree on Children of Unknown Parentage.

216 Article 12, Juvenile Delinquents Law.

217 Articles 18, 28, 31, Legislative Decree on Children of Unknown Parentage.

218 Article 34, Legislative Decree on Children of Unknown Parentage.

219 Article 35, Legislative Decree on Children of Unknown Parentage.





Yarmouk School (Photo: Tareq Mnadili/NRC)

## 8. RIGHTS TO HEALTH, EDUCATION, SOCIAL CARE AND OTHER RIGHTS



Children in Syria have the **right to health services and education**. Education is compulsory up to Year 9 of schooling or age 15. Social welfare and social assistance are available for children and families in certain situations. Children with disabilities are entitled to particular rights and entitlements. Other child rights set out in the Child Rights Law include the rights to freedom of expression and the right to social care.

### 8.1 Right to Health

#### 8.1.1 Health Care Services and Entitlements for Children

The Constitution obliges the State to **protect the health of all citizens** and provide them with the means for medication, treatment and prevention of illness.<sup>220</sup> The right to public health care for children is expressly guaranteed under the Child Rights Law.<sup>221</sup>

Specific health care services guaranteed for children and mothers under the Child Rights Law include the following: (i) provision of health care for the mother, infant and child during pregnancy, child birth and beyond; (ii) immunization of children with free vaccines and serums that protect against infectious and communicable diseases; (iii) provision of public health centres staffed by with qualified workers, (iv) treatment for children in health centres, psychological support centres, public hospitals, with follow-up treatment for mental, chronic and incurable diseases and (v) provision of child health care at school.<sup>222</sup> Additionally the private sector is encouraged to contribute to the provision of health care and to provide the necessary facilities in accordance with the relevant laws and standards.<sup>223</sup>

Every child is entitled to a health card which must be given to his or her parents or legal guardian.<sup>224</sup> Health cards are issued by the health centre in the relevant directorate in which the child resides and contain essential health information relating to the child.

220 Articles 22, 25, Constitution.

221 Article 25, Child Rights Law.

222 Article 25, Child Rights Law.

223 Article 25, Child Rights Law.

224 Article 26, Child Rights Law.



In addition to the obligations on the State to provide adequate health care services, parents have overall responsibilities to protect the health of their children. Specifically, they are required to (i) provide their children with any necessary vaccinations and (ii) submit a copy of the health card within the child's school enrollment papers in the elementary education stage and beyond.<sup>225</sup> Refusal to provide organize vaccinations for children amounts to family neglect and is punishable under the law.

## 8.1.2 Children with Disabilities

**Persons with disabilities** are entitled to special protection under Syrian law; namely under the Constitution,<sup>226</sup> the Law on Persons with Special Needs<sup>227</sup> and the Child Rights Law.<sup>228</sup> Children with disabilities are guaranteed full and equal rights under the law.<sup>229</sup>

Under the Child Rights Law the State is required take appropriate measures and actions and provide special care for children with disabilities in order to help his or her survival, development and protection, in a manner that suits his or her potential and abilities and ensures integration and acceptance as an active member of society.<sup>230</sup>

The Institute of Social Welfare for the Disabled provides services for persons with disabilities. These include social, educational, health, psychological, rehabilitative, sports and vocational training services and employment.<sup>231</sup> Services available for children with disabilities include early childhood educational programmes, basic education for physically disabled children of school age in formal schools or special institutes, special priorities for physically disabled persons at Syrian universities and special sports programmes for persons with disabilities.<sup>232</sup> The Social Welfare Institute also provides training services to families with disabled children on methods for supporting disabled children and helping them manage their affairs.<sup>233</sup>

Persons with disabilities are entitled to disability cards, as well as subsidised public transportation. Disability cards are granted on the basis of classification of a person's level of disability under the National Disability Classification.<sup>234</sup>

Persons who are considered incapacitated or incompetent are subject to the provisions of guardianship, custodianship or tutelage on the terms provided by the law.<sup>235</sup> The court may appoint judicial advisors to help persons who are disabled (blind, deaf, mentally impaired) to manage their interests as necessary.<sup>236</sup>

## 8.2 Right to Education

### 8.2.1 Basic Education and Compulsory School Enrolment

The Constitution guarantees **free and compulsory education** until the end of basic education, namely year nine, with a commitment by the State to extend this progressively to other levels of education, namely the last three years of secondary schooling.<sup>237</sup>

225 Article 26, Child Rights Law.

226 Article 22, Constitution.

227 Law on Persons with Special Needs No. 34 of 2004.

228 Article 45, Child Rights Law.

229 Article 45(A), Child Rights Law.

230 Article 45(C), Child Rights Law.

231 Article 9, Law on Persons with Special Needs.

232 Article 9, Law on Persons with Special Needs.

233 Article 13, Law on Persons with Special Needs.

234 Article 14, Law on Persons with Special Needs.

235 Article 49, Civil Code.

236 Article 118, Civil Code.

237 Articles 25 and 29, Constitution; Law No. 35 of 1981 on Compulsory Education.



The Child Rights Law notes the right of every child in Syria to free education as well as upbringing and development in educational, cultural, social and psychological fields.<sup>238</sup> Education in public schools is compulsory and free.<sup>239</sup>

The following extract summarises the Syrian education systems for primary and secondary schooling:

*Syria has a 12-year-long education system: 9 years of compulsory basic education, and 3 years of secondary education. Basic education is divided into two cycles, and consists of grades 1 through 9. After completion of grade 6, **students receive a Basic Education 1st Cycle Completion document.***

*After completion of grade 9, students sit for a national exam in order to obtain a **Basic Education Certificate.** These test results determine whether the student is entitled to attend a general or vocational/technical/religious secondary school.*

*Secondary education consists of grades 10 through 12, and is offered at general secondary schools or technical/ vocational schools. It is also free, but is not compulsory. The age of admission is 16 years. Students in general or vocational/technical/religious secondary schools must sit for a national exam at the end of grade 12, and those who pass are awarded a **General Secondary Certificate.***

*Students who fail the exam may retake the exam for up to three times until they pass. Students who pass but want to improve their grades can retake the exam one additional time. Students who do not pass after three attempts may not apply again.*

*The Ministry of Education is responsible for pre-university education<sup>240</sup> and defines educational policy on the basis of resolutions of the Party's Congress and the general plan of the State. Five deputy ministers assist the Minister of Education, and each one supervises several directorates and technical offices.*

*The Ministry of Education relies on the 14 Directorates of Education to manage the system of school supervision and inspection.<sup>241</sup>*

Students may also attend religious schools which have separate educational requirements and issue separate certificates.

Parents are legally obliged to enroll their children in primary education from the age of six to 15 and penalties apply for parents or guardians that don't enroll their children.<sup>242</sup> Fines of SYP10,000 to 15,000 are payable if parents do not send their children to school after being notified to do so within 10 days.

Further, any payments and benefits available to the family under the national support fund will be suspended until the child is enrolled in school or returns to school.<sup>243</sup> If parents continue to refuse to send their child to school the fine is doubled.<sup>244</sup>

238 Article 10, Child Rights Law.

239 Article 27, Child Rights Law.

240 The Ministry of Education is not responsible for agricultural secondary schools, which are under the supervision of the Ministry of Agriculture. For more information, see <http://moed.gov.sy/site/>.

241 Ibid; <http://moed.gov.sy/site/>.

242 Compulsory Education Law 1981, Article 11, Law No. 32 of 2002.

243 Article 11(a)-(b), Law Obligating Parents to enrol their Children in Basic Education Schools, Law No. 7 of 2012.

244 Article 11(c), Law Obligating Parents to enrol their Children in Basic Education Schools, Law No. 7 of 2012.





## 8.2.2 Documents Required for School Registration

Documents necessary for children to be enrolled in school include the following:<sup>245</sup>

- a written request for registration with the school;
- a written undertaking from the parent or legal guardian that the child will be sent to school for all years of that child's basic education;
- a copy of the family booklet;
- IDs of the child's parents or legal guardian;
- 3 photos of the child; and
- a health card from the relevant health department of the directorate to which the relevant school belongs.

The Syrian Ministry of Education has issued a decision allowing Directorates of Education and school headmasters to accept children in public schools before (and even during) the school year even where then do not have official IDs or other supporting documents necessary for school enrolment.<sup>246</sup>

Children whose birth has not been registered can also be enrolled in schools with documents providing an age estimation.<sup>247</sup> To obtain an age estimation certificate the following documents are necessary:

- A written request for age estimation documents, stating that the child is unregistered, and that the parent(s) will continue the registration of the child in the Civil Status Records before the end of the ongoing school year;
- Photocopy of the parent's ID card.

## 8.2.3 Replacement of Lost School Certificates

School certificates and education documents, including grade 9 and 12 exam certificates, can be re-issued if they are lost. To apply for replacement certificates the following documents are required:

- Civil status record for the child
- A certified document by the headmaster of the school where the parents want to register the child;
- The semester sequence that shows a child's grade or school records;
- If parents insist on registering children in a specific school, they claim is close to their residence, the official residence document to show the child lives in the area of the school.<sup>248</sup>

If these documents are not available or cannot be made available children can take a placement test to determine their education grade level in order to be enrolled in the correct level at school. The Ministry of Education makes available an accelerated learning programme for children who have missed certain years of schooling (Curriculum B).

245 Instructions of Enrollment and Acceptance in Schools of Basic Education for Academic Year 2016-2017; No. 543/4/6, issued by the Syrian Ministry of Education.

246 Decision No. (6/4) 543/2157 of 2013 on Registration and Acceptance in Schools in Basic Education.

247 Age estimation certificates are issued by a committee organized under the Law on Compulsory Education.

248 See also UNICEF (2015). "Curriculum, Accreditation and Certification for Syrian Children in Syria, Turkey, Lebanon, Jordan, Iraq and Egypt," A/HRC/WG.6/26/SYR/1, p102.



## 8.2.4 Documents Necessary for National School Exams

The national school exams, denoting the formal completion of year 9 (basic education) or year 12 (final exams) are the most significant education milestones. Certificates of completion are necessary for post-secondary school study, including admission to university, as well as work and vocational education opportunities.

Students of the last year of basic education (through grade 9), shall be allowed to register for the Basic Education certificate exam.<sup>249</sup> Third year students of secondary schools who have completed at least 3 years of schooling after obtaining the Basic Education certificate, Religious Basic Education certificate, or their equivalent, shall be allowed to register for the General Secondary certificate exam.<sup>250</sup>

In order to obtain the Basic Education, Religious or Secondary Certificates students must provide the following documents:

- 2 recent identical photographs (3 x 4 cm) with student's name and school's stamp on the back;
- Copy of the identity card approved by the school administration (to verify conformity with the original and validity of its information);
- Copy of the family booklet (including the student and father on one sheet) with a photograph
- Education stamp affixed to the registration list;
- Exam fees (SYP 200 for primary and religious certificates; SYP 300 for all branches of the General Secondary certificate);
- From the Directorate of Finance for the total fees due for each of the general certificates: 50
- A financial receipt if the amount exceeds SYP 500, or A financial stamp if the amount is less than SYP 500.<sup>251</sup>

Students who have not completed formal schooling or have missed some years of schooling may also sit the Basic and Secondary Exams. They are referred to as students of 'free education' (*Tullab Al Derasah Al Hurra*). Separate detailed sets of documents are necessary for students of "free education" to enroll in the formal school system and to sit the year 9 and 12 exams.<sup>252</sup>

## 8.3 Right to Social Care and Assistance

### 8.3.1 Social Care

The Child Rights Law guarantees **the right of children to social care**.<sup>253</sup> The Ministry of Social Affairs and Labour is responsible for the overall protection of children and implementation of measures to ensure the welfare of children. This includes monitoring issues affecting the welfare of children, including issues of child abuse, absence of children from school, non-registration of children, domestic violence, neglect, child labour and exploitation, as well as investigating and responding to individual cases.

Complaints may be made to the Ministry of Social Affairs by individuals, organisations, schools, government agencies and other bodies and the social service officers from the Ministry must take the necessary measures to investigate and protect children from abuse. This could include removing children from the care of parents or legal guardians if abuse or neglect are expected, conducting assessments of children and making other orders or recommendations to protect the welfare of children.

249 Also regular students of the third year of religious basic education who have already completed at least three years after receiving the Basic Education 1st cycle completion document or its equivalent.

250 Registration Instructions for the General Certificate Examination, Number 6609/ 843(4/9).

251 Ministry of Education (2020).

252 Ministry of Education (2019). "Registration Instructions for the General Certificate Examination/2020 Cycle," Number 6609/ 843(9/4) of 2019.

253 Chapter 7, Child Rights Law.



Cases of street children may be brought to the attention of juvenile courts. The court may impose care measures on juveniles who are street children, those who are found begging and do not have a means of subsistence as well as those who working in places or conducting acts considered to be contrary to public morals.<sup>254</sup>

Care institutes shall provide care, education, vocational training and a proper job, as well as providing the necessary advice and guidance for juveniles.<sup>255</sup> If care institutions are not available the court may find a juvenile work in an industrial, commercial or agricultural business under the supervision of a probation officer.<sup>256</sup>

Within the Ministry of Social Labour, the Syrian Commission for Family Affairs (“SCFA”) acts as an independent agency with the responsibility for conducting research, proposing legislation and recommending policies to promote and empower Syrian children as well as establishing offices to implement its activities.

### 8.3.2 Social Assistance

**Financial assistance** under the National Social Aid Fund<sup>257</sup> is available to three categories of vulnerable persons in Syria, namely persons who are physically or mentally disabled, the elderly and other categories of persons designated under the Fund. There is no specific form of financial assistance or cash payment generally available to all families with children, although the Child Rights Law states that every child has the right to family compensation in accordance with the laws.<sup>258</sup> Public servants receive an additional salary increment per child. The right to social support is contained in the Constitution,<sup>259</sup> as well as the Labour Code and other laws.

Employees, including child workers, pay a percentage of their income into the Social Security Fund which provides coverage in the event of illness, loss of income and other situations.<sup>260</sup>

Another form of social support for families in Syria are subsidized goods and services provided through the SMART card. SMART cards are issued to all families with a family book and are based on financial hardship criteria. The allowance is proportional to the size of the family and number of children. SMART cards provide access to subsidised rations, including sugar, gas cylinders, bread, rice and fuel.

## 8.4 Right to Freedom of Expression and Association

Children have the **right to express themselves freely** on matters affecting them, depending on their age and maturity<sup>261</sup> and can join associations, organisations and clubs to practice social or cultural activities in accordance with the laws, and subject to the consent of his legitimate guardian.<sup>262</sup> However children may not be affiliated with any political party.<sup>263</sup>

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254 Article 27, Juvenile Delinquent Law.

255 Article 26, Juvenile Delinquent Law.

256 Article 28, Juvenile Delinquent Act.

257 Establishment of the National Social Aid Fund, Decree No. 9 of 2011.

258 Article 15, Child Rights Law.

259 Article 25, Constitution.

260 Article 38, Labour Law.

261 Article 8, Child Rights Law.

262 Article 9(1), Child Rights Law.

263 Article 9(2), Child Rights Law.



## 8.5 Right to Social Development

The **social development of children** is prioritized under the Child Rights Law through the promotion of social, cultural and educational activities as well as an emphasis on family upbringing. Article 10 notes the right of every child has to free education and the right to nurturing, upbringing, growth and scientific, cultural, psychological and social development to build his or her personality, enabling him or her to contribute to all areas of development.<sup>264</sup>

Further, the State undertakes to “popularize the culture of family education and behavioral evaluation in various aspects of education, especially in educational institutions and public, private and national care.”<sup>265</sup>

A broad view is taken of the scope of education of children with emphasis placed on the social and moral upbringing of children including; respect for family, cultural identity, language, homeland, and moral and social values, developing respect for the environment and developing a culture of community service and a spirit of solidarity among members of society in children, and promoting a spirit of fraternity, tolerance and respect for others.<sup>266</sup>

To further the social and cultural education of children the State is required to take measures to advance the cultural needs of children in the fields of knowledge, literature and various arts, taking advantage of modern scientific and technical developments, facilitate access to books and other means of raising the awareness of children through the establishment of cultural centers, clubs, publishing houses and public mobile and permanent libraries in cities and villages.<sup>267</sup>

The State is also obliged to promote the talents and creativity of children in intellectual and physical means through various means including meetings, forums and competitions, including overseas events.<sup>268</sup> Whilst the State is required to promote print and media directed at children it will also facilitate access to “correct and healthy information through electronic research methods.”<sup>269</sup>

The right to social development also includes the right to rest and play. This includes practice of social, sports, cultural and artistic activities, in accordance with the age, abilities and best interests of the child.<sup>270</sup>

In order to further the right to play the State shall encourage the establishment of organizations, associations, private institutions and children’s clubs which nurture the talent of children, engage in recreational, cultural, education and scientific activities.<sup>271</sup> The aim is to help children acquire new skills and reach their full human potential.<sup>272</sup>

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264 Article 10, Child Rights Law.

265 Article 11, Child Rights Law.

266 Article 28, Child Rights Law.

267 Article 29(B), Child Rights Law.

268 Article 29(C), Child Rights Law.

269 Article 29(B) and (F), Child Rights Law.

270 Article 40, Child Rights Law.

271 Article 41(A), Child Rights Law.

272 Article 41(A)(4), Child Rights Law.





Female Student (Photo: Tareq Mnadili/NRC)

## 9. WORK RIGHTS AND CONDITIONS FOR CHILDREN



**Children as of the age of 15 are entitled to work in Syria, subject to certain restrictions, whilst child labour under the age of 15 is prohibited and punishable by law.** Special protections are in place for working-age children which include limits on the type of work permitted, working hours and working conditions.

The primary laws regulating working rights, conditions and entitlements for children are the Labour Law, the Minors' Labour Regulations and the Child Rights Act. The Agricultural Relations Law governs the rights and entitlements of persons working in agriculture.<sup>273</sup>

### 9.1 Working Age for Minors

**The minimum working age for a minor is 15 years of age** or upon finishing the primary education stage (i.e. the ninth grade), whichever is greater.<sup>274</sup>

Employment of children under 15 constitutes child labour and is prohibited.<sup>275</sup> However the age restriction does not apply if the minors are working in family businesses or domestic family industries restricted to family members, under the supervision of the father, mother, brother or uncle.<sup>276</sup>

Employers and their agents are responsible for verifying the ages of minors, obtaining a health certificate confirming their fitness for work and for obtaining the written consent from their parents or guardians.<sup>277</sup>

273 Law No. 56 of 2004, Agricultural Relations Law.

274 Article 113, Labour Law, Article 36(A) of Child Rights Law. Articles 1-3 of the Basic Education Law No. 32 of 2002 identified the age length of a child's basic education period, usually a child is 15 years of age upon finishing the 9th grade.

275 Article 36, Child Rights Law.

276 Article 118, Labour Law.

277 Article 116, Labour Law, Article 36(D), Child Rights Law, Articles 18-19, Agricultural Relations Law No. 56 of 2004.



Some jobs require the child to be a minimum of 16 to be allowed to work.<sup>278</sup> These include:

- Commercial institutes,
- Managerial institutes where employees do office work,
- Distribution and selling of newspapers,
- Hotels, restaurants and gyms,
- Sales representative (for different types of goods),
- Flower shops,
- Institutions which provide care for sick, elderly and orphans,
- Other work that does not affect the growth of the minor and does not harm his health or morals.

For agricultural activities, a worker must be at least 18 years old with the exception of shepherds and light workers who may be 15 years or older.<sup>279</sup> Hiring minors over 15 for such work must be done through the child's guardian.<sup>280</sup> However the agricultural relations law does not apply to persons working in family businesses, including businesses employing the wife, husband, ascendants, descendants, brothers and sisters and their children and in laws.<sup>281</sup>

## 9.2 Prohibited Work

**Minors cannot participate in work that put their health or safety at risk physically, psychologically or emotionally.**<sup>282</sup> It is prohibited to exploit a child economically, such as by underpaying or not paying them, or to ask them to perform any work that is likely to be dangerous, or to constitute an obstacle to the child's education, or to be harmful to his health, or his or her physical, mental, spiritual, moral or social development.<sup>283</sup> Nor are minors allowed to carry, drag or push weights beyond the maximum limits established in the Minors' Regulations.<sup>284</sup>

The Minors Labour Regulations sets out a detailed list of the industries in which minors are prohibited from working.<sup>285</sup> These include underground work, mines or quarries, extractive industries, furnaces, industries subject to harmful radiation, gas factories, gas stations, power plants, abattoirs, bleaching and dyeing fabrics, work involving high pressure machinery, medical and chemical labs, painting, garbage collection, driving, public toilets, forestry and timber work, work at dangerous latitudes, manufacture of explosives, cement, tin, glass, batteries, rubber, glue, sugar, soap, fertilisers and pesticides, chemical and oil industries, tanning, tobacco and alcoholic beverages, blacksmithing, electricity and welding.<sup>286</sup>

Conversely, minors can work in handicrafts and professions that do not affect their physical, emotional and psychological growth.<sup>287</sup>

For agricultural work, minors can only perform light work and should not undertake tiring types of work which do not suit their age.<sup>288</sup>

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278 Article 8/B, Minors' Labour Regulations Law No. 12 of 2010, issued by the Ministry of Labour and Social Affairs.  
279 Nor are children under 15 permitted in the workplace, namely agricultural properties, under Article 16, Agricultural Relations Law.  
280 Article 10, Agricultural Relations Law.  
281 Article 164C, Agricultural Relations Law.  
282 Article 2, Minors Labour Regulations.  
283 Pursuant to Articles 36(B) and (C), Child Rights Law.  
284 Article 7(a), Minors Labour Regulations The weights are; maximum weight that may be carried: 7KG (female); 10 KG (male), maximum weight that may be dragged on rods 150KG (female; 300KG (male). Minors are also prohibited from pushing weights on one- and two-wheel carriages.  
285 Articles 2, 5, 6, 8, Minors Labour Regulations.  
286 Articles 2, 5, 6, 8, Minors Labour Regulations 12, 2010.  
287 Article 8(a), Minors Labour Regulations.  
288 Article 18, Law No. 56 of 2004, Decision No. 972, Decision No. 297, 14 February 2007.



### 9.3 Special Conditions and Entitlements for Minors

The Ministry of Labour may issue **regulations, terms, conditions and criteria for the circumstances of juvenile employment**, and prohibited activities, occupations and trades at different ages.<sup>289</sup> This is done through the Minor's Labour Regulations.

Work hours for minors cannot be more than six (6) hours per day and the weekly rest day is compulsory. Overtime is banned for minors; nor are they allowed to stay in the work place after the designated working hours<sup>290</sup> or be asked to work on public holidays or weekends.<sup>291</sup>

Minors should not work more than six hours per day including at least one hour of break for food or rest. They are prohibited from working night shifts and are entitled to paid leave of 30 days a year.<sup>292</sup>

Different rules and restrictions are applicable for persons working in the agricultural sector, including minors. For example, working hours for all agricultural workers are set at eight hours per day and forty-eight hours per week. The Minister of Labour may increase daily working hours by one hour during the harvesting of the crop in light work and reduce it by one hour in the dangerous work.<sup>293</sup> However minors doing agricultural work can only perform light work.

### 9.4 Employer Obligations to Minors

Employers have a special duty of care to minors in the workplace. Their specific obligations include the following:

- inform the minor and their guardian of the working conditions prior to employment, including working hours, rest period and the details of the person responsible for supervising the minor<sup>294</sup>
- provide age-appropriate protections, tools and training;<sup>295</sup>
- obtain the minor's civil status record, medical certificate and written consent from the minor's guardian, all of which must be put in a file in order to keep track of the minor's employment;<sup>296</sup>
- maintain a statement listing all the names, ages and dates of employment for minor employees;<sup>297</sup>
- display a copy of the relevant provisions of the Labour Law and a copy of the minor's working hours, rest periods and supervisor in a prominent location at the workplace;<sup>298</sup> and
- register the minor in the social insurance system provided by the General Organization for Social Insurance in the governorate.<sup>299</sup>

Employers are responsible for the implementation of the protections for minors in the workplace. This includes providing working conditions adequate to the capacities of children and ensuring the protection of the health and safety of children in the workplace.<sup>300</sup>

289 Article 113, Labour Law.

290 Article 36(C), Child Rights Law.

291 Article 36(D), Child Rights Law.

292 Article 117, Labour Law No. 17 of 2010; also, Article 36(D), Child Rights Law. See also Article 18, Agricultural Relations Law.

293 Article 42, Agricultural Relations Law.

294 Article 38, Child Rights Law.

295 Articles 2(c)-(d), Juvenile Employment Law.

296 Article 3(a) Juvenile Employment Law; Article 116, Labour Law.

297 Article 115(b), Labour Law.

298 Article 115(c), Labour Law.

299 Article 93 Labour Law. The Agricultural Relations Law does not specify that agricultural workers need to be registered with the General Organisation for Social Insurance, particularly as such work is typically casual or seasonal.

300 Article 114, Labour Law.





Conversely, minors have the right to:

- receive their full entitlements in accordance with the Social Insurance Law if they suffer a work injury during or as a result of their work even if they are not a participant in the Social Insurance fund; and
- demand compensation from their employer for the damage incurred to him/her if the employer has failed or been negligent in the occupational health and safety measures that they are required to put in place.<sup>301</sup>

## 9.5 Supervision of workplaces employing minors

The Ministry of Social Affairs and Labour is responsible for:

- monitoring workplaces employing minors and verifying the terms and conditions of their work by sending labour inspectors;
- providing age-appropriate vocational rehabilitation and training for minors; and
- providing health and psychological assistance to minors harmed due to their employment.<sup>302</sup>

Employers who breach the provisions in relation to the employment of minors are subject to fines ranging from 25,000 to 50,000 SYP.<sup>303</sup> Penalties for violations are also contained in the Child Rights Law.<sup>304</sup>

301 Article 3, Labour Law.

302 Article 37, Labour Law.

303 Article 264, Labour Law.

304 Articles 60-61, Child Rights Law.



Kids on bikes (Photo: Tareq Mnadili/NRC)





At the desk (Photo: Tareq Mnadili/NRC)

## 10. PROTECTIONS AGAINST ABUSE OF CHILDREN



**Children have the right to be protected from all forms of violence including physical, moral or sexual abuse as well as the right to be protected from exploitation, neglect, negligence, homelessness, traffic dangers and dangerous practices.<sup>305</sup>**

The recruitment of children into combat operations is also prohibited.<sup>306</sup> Under the Child Rights Law the State is obliged to in place the necessary administrative, social, educational and preventive measures to guarantee these rights and prevent the abuse of exploitation of children.<sup>307</sup>

Crimes against children are also dealt with in the Penal Code and referenced in this section.

### 10.1 Sexual Abuse

In addition to the general crimes of sexual abuse contained in the Penal Code, the Code lists specific **crimes of sexual abuse against children**, or which may be particularly applicable for children.<sup>308</sup>

305 Article 14(A), Child Rights Law.

306 Article 46, Child Rights Law.

307 Article 14(B), Child Rights Law.

308 Articles 63(C)-(D), Child Rights Law.



These include the following:

- Sexual intercourse with a victim under the age of 15 without their consent, whether by violence or threat.<sup>309</sup>
- Sexual assault of minors aged between 15 and 18 by relatives or guardians.<sup>310</sup> The offence also applies to sexual abuse committed by civil servants, clerics, directors and employees who commit the offence by abusing his or her authority or by abusing the facilities at his or her disposal by virtue of his or her office.<sup>311</sup>
- Use of force to compel a minor under the age of 15 to submit to or engage in an indecent act.<sup>312</sup>
- Commission of an indecent act against a minor under 15 or inducing a minor to commit such an act.<sup>313</sup> Penalties for this offence are increased if the person is in a position of authority.<sup>314</sup>
- Abduction of a minor under 15, irrespective of whether it is done by deception or violence, for the purpose of committing an indecent act. If the act is committed, the penalty is substantially increased.<sup>315</sup>
- Inappropriately touching or fondling a minor under the age of 15 or a woman over fifteen (15) without their consent.<sup>316</sup>
- Encouraging minors below 15 to commit indecent acts or addressing them in an indecent way.<sup>317</sup>
- Engaging in intercourse with someone who is unable to resist due to physical or psychological deficiency.<sup>318</sup>

Sexual exploitation of children is also considered to be trafficking in persons and is covered in the section below.<sup>319</sup>

## 10.2 Physical Abuse

**Crimes for physical abuse or violence** listed in the Penal Code also apply to children.<sup>320</sup> These include the crimes of assault, rape, murder and other felonies.

**Specific offences relevant to children** include kidnaping or hiding a child under the age of seven, replacing a child with another, or attributing to a woman a child who did not give birth to him or her.<sup>321</sup>

The penalties applicable under the Penal Code for the abuse of children depends on the severity of the harm inflicted upon the victim and also the length of time the person cannot work as a result of the injury.<sup>322</sup> However, there is an exception given to parents. The Penal Code permits parents to use disciplinary forms established by common custom, including physical abuse.<sup>323</sup>

The murder of a minor under the age of 15 is also considered an aggravating circumstance with life imprisonment with hard labor.<sup>324</sup>

309 Article 489, Syrian Penal Code of 1949. It is also relevant to note that sexual relations are only permitted in the context of marriage and marriage is prohibited for persons under the age of 15.

310 Article 492(1), Penal Code.

311 Article 492(2), Penal Code.

312 Article 493(2), Penal Code.

313 Article 495(1), Penal Code.

314 Article 496(1), Penal Code.

315 Article 501, Penal Code.

316 Article 505, Penal Code.

317 Article 506, Penal Code.

318 Article 491, Penal Code.

319 Article 5, Trafficking Prohibition Law.

320 Articles 63(c)-(d), Child Rights Law. Penalties are contained in Articles 540-543 of the Penal Code.

321 Article 478, Penal Code.

322 As children under the age of 15 are prohibited from working this would only be relevant to children over the age of 15 who are working and are prevented from working as a result of physical violence.

323 Article 185(2), Penal Code.

324 Article 534, Penal Code.



### 10.3 Neglect

The state guarantees the **protection of a child from family neglect**<sup>325</sup> which is defined as any act or lack of action resulting in harm to the child.<sup>326</sup> Legal guardians who do not permit their child to continue compulsory education will lose their guardianship<sup>327</sup> and parents who do not enroll their children in school are subject to penalties.<sup>328</sup>

Parents who neglect to support or educate their child may also face imprisonment of a term between one (1) and six (6) months and a fine of SYP100.<sup>329</sup> Failure to organize necessary vaccinations for children also constitutes neglect and is punishable by law.<sup>330</sup> The Penal Code criminalises the conduct of children who are living on the street or begging.<sup>331</sup>

The Juvenile Court hears cases of neglected children.<sup>332</sup> Guardians of juveniles convicted of crimes may have to pay a fine between SYP100 and SYP500 if they are found to have not cared for or neglected the juvenile.<sup>333</sup>

### 10.4 Trafficking of Children

The state guarantees the **protection of a child from being trafficked in any form**.<sup>334</sup> Trafficking is defined as including recruitment, transfer, abduction, deportation, harboring or receipt of persons, for the purpose of using them in unlawful acts or purposes, in exchange for material or moral gain, promises or other benefits.<sup>335</sup>

Trafficking can take place not only through violence, force or the threat of force but also through persuasion, exploitation of ignorance or vulnerability, by fraud, deception, the abuse of power or by providing assistance from those having authority over the victim.<sup>336</sup> Sexual exploitation of children is also considered as trafficking.<sup>337</sup>

Persons involved in trafficking shall be penalized by no less than 7 years detention and fines of 1-3 million SYP as well as confiscation of property or equipment used in the commission of the offence as well as the proceeds of any crimes.<sup>338</sup> Perpetrators include not only those who directly commit the crime but also those involved in criminal groups responsible for trafficking.<sup>339</sup>

Persons who become aware of the trafficking activities and receive a financial or moral benefit but do not report them to the competent authorities are also penalized.<sup>340</sup> Penalties are increased for crimes involving women, children or persons with special needs as well as for spouses or certain family members or persons with authority over the victim.<sup>341</sup>

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325 Article 12, Child Rights Law.

326 Article 1, Child Rights Law.

327 Article 170(4), Personal Status Law.

328 Article 58, Child Rights Law.

329 Article 603, Penal Code.

330 Article 26, Child Rights Law.

331 Article 600, Penal Code.

332 Article 37, Juvenile Delinquents Act.

333 Article 9, Juvenile Delinquents Act.

334 Article 47(a), Child's Rights Law.

335 Article 4, Legislative Decree No. 3 of 2010 on Prohibition and Combat of Trafficking in Persons "Trafficking Prohibition Law".

336 Article 4, Trafficking Prohibition Law.

337 Article 5, Trafficking Prohibition Law.

338 Article 7, Trafficking Prohibition Law.

339 Article 7, Trafficking Prohibition Law.

340 Article 9, Trafficking Prohibition Law.

341 Article 8, Trafficking Prohibition Law.



The Decree on Prohibition and Combat of Trafficking in Persons established a specialised Department for Combating Trafficking in Persons responsible for:

- proposing general policy and executive programs;
- organising and providing a reference base for information, investigations, statistical data and other matters related to trafficking crimes to be provided to the concerned authorities;
- exchanging information with states and international organisations, or authorities concerned with combating human trafficking;
- establishing and following up specialised training programs for those involved in combating human trafficking;
- taking appropriate measures to ensure the exercise of control within the State's territory and through border crossings;
- cooperating with relevant official and popular organisations to spread educational information about the dangers of human trafficking;
- taking appropriate measures to alert competent authorities of the arrival of persons who appear to be perpetrators, accomplices or victims of trafficking; and
- coordinating international cooperation with relevant organisations and counterpart agencies in other agencies in compliance with international agreements.<sup>342</sup>

The Trafficking Prohibition Law also puts in place a system to care for victims of human trafficking, which is overseen by the Ministry of Social Affairs and Labour. The Ministry is required to use part of its budget to establish care homes for survivors and is responsible for supervising them. The Ministry is also required to ensure directors and employees of the homes have the appropriate specialisations and competencies. All concerned authorities are responsible for taking adequate measures to protect victims and to help them with their recovery.<sup>343</sup> These include ensuring adequate access to physical and psychological medical care, maintaining confidentiality, protecting witnesses and providing legal advice.<sup>344</sup>

The involvement of minors in drug-related crimes as well as the commission of drug-related crimes against minors is penalized in the Anti-Drugs Law.<sup>345</sup> Recruitment or involvement of minors under the age of 16 in prostitution is penalized in the Combatting Prostitution Law. There are special penalties for perpetrators who are responsible for the upbringing of the minor.<sup>346</sup>

## 10.5 Recruitment of Children into Armed Conflict

The **recruitment of children under 18** with the intention of engaging them in combat operations is prohibited under the Penal Code<sup>347</sup> as well as the Child Rights Law.<sup>348</sup> Law No. 11 of 2013 introduced a new crime into the Penal Code which prohibits the recruitment:

*of a child under 18 years of age with the intention of having them involved in hostilities or other related actions such as carrying or moving weapons, equipment or ammunition; planting explosives; being used in inspection, monitoring or reconnaissance points; for distraction; as human shields, or to assist or serve perpetrators in any form whatsoever, or in other hostilities.*<sup>349</sup>

342 Articles 17-18, Trafficking Prohibition Law.

343 Article 15(1), Trafficking Prohibition Law.

344 Articles 15(2), 16, Trafficking Prohibition Law.

345 Articles 39, 42-43, Anti-Drugs Law No. 2 of 1993.

346 Articles 1- 4, 6, 8 of Law No. 10 of 1961 on Combatting Prostitution Law.

347 Article 488, Penal Code.

348 Article 488, Penal Code.

349 Article 488, Penal Code.





Perpetrators are punished with temporary hard labor for ten to twenty years and a fine of one million to three million SYP. Penalties are increased if the act results in permanent disabilities for the child, if he or she is sexually abused or given narcotics or if the act results in death.<sup>350</sup>

## 10.6 Economic Exploitation of Children

The **economic exploitation of children** is an offence under the Child Rights Law.<sup>351</sup> This can include the recruitment of children to perform child labour or working on the street as well as non-payment or underpayment of working age minors. Economic exploitation of a child is punishable by imprisonment of one (1) to three (3) months and a fine of SYP100,000.<sup>352</sup>

## 10.7 Protection of Children in Media and Access to Information

New protections are introduced in the Child Rights Law in relation to the **protection of the privacy of children as well as measures to reduce access to harmful information in the social media**. The Child Rights Law prohibits the use of children in media, advertising and artistic materials which may breach his or her privacy, or adversely affect his or her development.<sup>353</sup>

Limitations are also imposed on the publication of information in the media, including electronic, non-electronic and print media, which may harm the child or encourage any "delinquent" behavior.<sup>354</sup>

The State is also required to take necessary measures to prevent children from accessing websites that incite violence, racial discrimination, hatred, contempt for religions, intolerance and pornography.<sup>355</sup>

The Publications Law penalizes anyone who deals with any form of publication or information that violates public morals such as pictures, publications, books and films.<sup>356</sup>

## 10.8 Rehabilitation and re-integration of child victims

Children subject to abuse are entitled to **rehabilitation and re-integration** under Child Rights Law and are to be treated as victims. This includes children recruited into combat operations or children who are trafficked.<sup>357</sup> Correctional justice shall also be provided to children in conflict with the law.<sup>358</sup>

## 10.9 Mandatory Reporting of child abuse

Persons who become aware of the trafficking of children are obliged to report them to the competent authorities, namely the police. Persons who do not report such activities may be penalised.<sup>359</sup>

Hospital authorities are required to report cases of suspected abuse of children to the police.

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350 Article 488, Penal Code.  
351 Article 36(b), Child Rights Law.  
352 Article 61, Child Rights Law.  
353 Article 31, Child Rights Law.  
354 Article 32, Child Rights Law.  
355 Article 35, Child Rights Law.  
356 Article 50, Publications Law.  
357 Article 46-47, Child Rights Law.  
358 Article 48, Child Rights Law.  
359 Article 9, Trafficking Prohibition Law.



Jumping chairs (Photo: Tareq Mnadili/NRC)

## 11. JUVENILE JUSTICE



Juveniles as of the age of ten can be charged with criminal offences under the Penal Code. The **Juvenile Delinquents Law** sets out special procedures for the investigation and prosecution of juveniles for criminal offences.

It puts in place safeguards to ensure that **juveniles understand their rights, have access to parents/legal guardians during the process and that their rights and identity are protected during the process.** Cases against juveniles are heard in special courts designated as '**juvenile courts**'. Juvenile offenders also receive support from social service officers<sup>360</sup> and probation officers.<sup>361</sup>

The Child Rights Law provides further protections for juveniles during criminal proceedings and the focus of both the Juvenile Delinquents and Child Rights Law is on processes for reform and rehabilitation of juvenile offenders rather than punishment.

### 11.1 Age of Criminal Responsibility

**The age of criminal responsibility for children is ten (10) years from the time of the commission of the criminal act.**<sup>362</sup> When considering the level of criminal responsibility for children aged between 10-18, authorities are required to take account of the best interests of the child.<sup>363</sup>

### 11.2 Special Principles for Dealing with Juvenile Offenders

In accordance with the Child Rights Law, juvenile offenders are subject to correctional justice which aims to respect their rights as children whilst providing opportunities for support and rehabilitation.<sup>364</sup>

360 Social service officers provide social welfare services to juveniles, including organising physical and psychological assessments of juveniles.

361 The probation officer will monitor the juvenile's compliance with corrective measures imposed by the court, such as regular reporting conditions, staying away from certain places or other conditions imposed on them. They will also provide regular reports to the court and authorities on the situation, behavior and compliance with conditions by the juvenile.

362 Article 2, Juvenile Delinquent Law, as amended by Article 1 of Decree No. 52 of 2003.

363 Article 50, Child Rights Law.

364 Article 48, Child Rights Law. See also Chapter 9, Child Rights Law.



**Key principles** include the following:

- providing free legal services to the child;
- providing the child with access to his/her family during the [criminal] process and in his/her attempts to reintegrate into society;
- providing psychological and social specialists who can monitor the child's behaviour during detention;
- prohibiting all forms of violence or cruel or degrading treatment;
- separating the child from adults while in detention;
- respecting the rights of the child in all procedures related to restorative justice; and
- expediting the investigation and trial procedures.<sup>365</sup>

### 11.3 Juvenile Courts

The procedures for investigation, prosecution and trial of juvenile offenders are set out in the **Juvenile Delinquents Act**.<sup>366</sup> Juveniles are prosecuted before special courts known as 'juvenile courts',<sup>367</sup> which in Damascus and Aleppo are supported by a social service office established by the Ministry of Justice.<sup>368</sup>

Juvenile courts can be either:<sup>369</sup>

- Full-time and part-time collective courts competent to hear cases involving felonies or misdemeanors<sup>370</sup> punishable by a term of more than one (1) year's imprisonment.
- Magistrates courts, in their capacity as juvenile courts, to hear the remaining cases of misdemeanour and contravention.

Juveniles will be prosecuted in the closest or most appropriate juvenile court based on:

- where the offence occurred;
- the domicile<sup>371</sup> of the juvenile or of his/her parents or guardian; and
- the reform institute or supervisory centre where the juvenile is placed.<sup>372</sup>

Juvenile courts can also deal with offences involving the neglect of juveniles.<sup>373</sup>

365 Article 51, Child Rights Law.

366 Article 5, Juvenile Delinquents Law.

367 Pursuant to Article 31 of the Juvenile Delinquents Law.

368 Article 56, Juvenile Delinquents Law.

369 Article 31(A), Juvenile Delinquents Law.

370 Felonies are serious crimes, often punishable by substantial periods of imprisonment, whilst misdemeanours are less serious offences, typically punishable by a lower period of imprisonment or fines.

371 The domicile is the usual place or residence of the person.

372 Article 36, Juvenile Delinquents Law.

373 Article 37, Juvenile Delinquents Law.



## 11.4 Criminal Procedures for Juvenile Offenders

The **special criminal procedures** to be followed in cases of juveniles are as follows:<sup>374</sup>

- in all cases of criminal investigation or prosecution courts must summon the juvenile's parent, guardian, trustee or the person or institution in whose care the juvenile is entrusted, as well as the social services representative, if available and take account of their views.<sup>375</sup>
- the court should collect as much information as possible regarding the juvenile's material and social conditions, character, the environment, school, health and previous criminal history and measures taken to support their rehabilitation. The information can be obtained from the social services officer, probation officer or through a regular inquiry conducted directly or by juvenile police. Misdemeanour offences should be dropped against the juvenile and a physical and psychological examination should be ordered of the juvenile.<sup>376</sup>
- the legal guardian for the juvenile should be informed of the need to appoint a lawyer to represent the juvenile. Otherwise, the court must appoint a lawyer.<sup>377</sup>
- the investigating judge and the juvenile court shall rule on the cases referred to them as soon as possible to uphold the interest of the juvenile.<sup>378</sup>
- the judge can temporarily place a juvenile in a supervisory centre for a period no longer than six (6) months if his/her physical or psychological condition requires extensive monitoring.<sup>379</sup>
- the court may exempt the juvenile from attending the trial if it considers it necessary to uphold the juvenile's best interest. In this instance, the parent, guardian or lawyer may be present at the trial in absence of the juvenile.<sup>380</sup>
- juveniles shall be tried confidentially in the presence of the juvenile and his/her parent, trustee or the person whose care the juvenile is in, as well as the plaintiff,<sup>381</sup> the delegates, the social services officer or the supervisory centre, and the probation officer.<sup>382</sup>
- juveniles are exempted from the payment of fees, legal deposits, and stamps in all cases considered by juvenile courts in accordance with the provisions of this law.<sup>383</sup>
- it is prohibited to publish the photograph of the juvenile defendant and to publish the proceedings, their summary or summary of judgements in books, newspapers, and visual media in any manner unless the court allows it.<sup>384</sup> Violations are punishable under the Penal Code.<sup>385</sup>
- Judgements against juveniles shall not be entered in the judicial register.<sup>386</sup>

The court may order the return of the juvenile from a place or detention or supervision to his parents/guardian/family if they provide the court with moral guarantees<sup>387</sup> and are capable of ensuring the juvenile is brought up according to the instructions of the court.<sup>388</sup> Alternatively they can be returned to other family members who provide a moral guarantee.<sup>389</sup>

374 Articles 39 – 55, Juvenile Delinquents Law.

375 Article 44(A), Juvenile Delinquents Law.

376 Article 44(A), Juvenile Delinquents Law.

377 Article 44(B), Juvenile Delinquents Law.

378 Article 46, Juvenile Delinquents Law.

379 Article 47, Juvenile Delinquents Law.

380 Article 48, Juvenile Delinquents Law.

381 The plaintiff is the person who has brought a civil claim against the juvenile, such as a claim for property damage.

382 Article 49(A), Juvenile Delinquents Law which is subject to Article 44(C) of the Juvenile Delinquents Law.

383 Article 52, Juvenile Delinquents Law.

384 Article 54(A), Juvenile Delinquents Law.

385 Article 54(B), Juvenile Delinquents Law. Violations are punishable under Article 140, Penal Code.

386 Article 58, Juvenile Delinquent Law.

387 Moral guarantees involve commitments to the court to take measures to support and provide moral guidance to the juvenile and to supervise their behavior.

388 Article 6, Juvenile Delinquents Law.

389 Article 7, Juvenile Delinquents Law.





If the court finds that a juvenile reform institute is more appropriate, then the court may sentence the juvenile to at least six (6) months in a juvenile reform institute.<sup>390</sup>

In addition, the director of the juvenile reform institute must submit a report six (6) months after the juvenile's placement at the institute to the court detailing the juvenile's condition and providing any recommendation to the court. The institute shall provide care, education, vocational training and a proper job, as well as the advice and guidance necessary for the juvenile for their daily life or to earn a living.<sup>391</sup>

The court also has the power to exempt the juvenile from the remainder of his/her detention or substitute the reform measure for another remedial measure.<sup>392</sup> Placement at a juvenile reform institute ends when the juvenile reaches 22 years of age.<sup>393</sup>

## 11.5 Reform and care measures for juveniles

Juveniles between ten (10) and eighteen (18) years old that commit any offence are liable only to the **reform measures** referred to in the Juvenile Delinquents Law.<sup>394</sup>

Reform measures include releasing the juvenile to the care of his or her family, legal guardian or juvenile reform institutions, placing the juvenile under observation or under probation, placing the juvenile in a juvenile reform institution, supervisory centre or juvenile home, imposing limitations on the residency of the juvenile in a certain place, prohibiting them from visiting inappropriate places or stores, such as bars, restricting them from certain types of work or making other types of care arrangements for the juvenile.<sup>395</sup> The court may impose reform measures on juveniles in light of the available information on the juvenile's psychological and social condition.<sup>396</sup>

Juveniles with a mental, psychological or physical condition or mental illness that require medical attention shall be treated with the treatment that his/her condition calls for or confined in an appropriate sanatorium/mental health facility until this is no longer necessary.<sup>397</sup>

## 11.6 Police Special Procedures

Pursuant to the Child Rights Act<sup>398</sup> and the Juvenile Delinquents Law,<sup>399</sup> a special juvenile police force should be assigned at every governorate to deal with juveniles and to ensure their protection. However, it appears that no such police force has yet been established nor have the functions and rules governing the juvenile police force been determined by the Minister of Interior.

## 11.7 Detention of Juveniles

**Detention of juveniles** is possible in certain limited circumstances, both as a penalty or 'reform' measure and as a preventative detention measure. Juveniles between the ages of ten (10) to fourteen (14) can be sent to juvenile reform institutes or placed in preventative detention however only juveniles over fifteen (15) can be sentenced to imprisonment and only if convicted of felony offences.

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390 Article 11, Juvenile Delinquents Law.

391 Article 26(B), Juvenile Delinquent Law.

392 Articles 4, 11, Juvenile Delinquents Law.

393 Article 11(D), Juvenile Delinquents Law.

394 Pursuant to Article 3, Juvenile Delinquents Law, as amended by Legislative Decree No. 52 of 2003. See also Article 49, Child Rights Law.

395 Articles 4, 17-20, Juvenile Delinquents Law.

396 Article 5, Juvenile Delinquents Law.

397 Article 16, Juvenile Delinquents Law.

398 Article 51(G), Child's Rights Law.

399 Article 57, Juvenile Delinquents Law.



Courts may decide to apply provisional detention measures on the juvenile for a one (1) month period if it is in the juvenile's best interests.<sup>400</sup> Judges may temporarily place a juvenile in a supervisory centre for a period not exceeding six (6) months if his/her physical or psychological condition requires extensive monitoring.<sup>401</sup>

When sentencing juveniles the court may order the return of a juvenile from a place of detention or supervision to his parents/guardian/family if they provides the court with moral guarantees and are capable of ensuring the juvenile is brought up according to the instructions of the court.<sup>402</sup> However if the court finds that a juvenile reform institute is more appropriate, then the court may sentence the juvenile to at least six (6) months in a juvenile reform institute.<sup>403</sup> Directors of juvenile reform institutes must provide a report to the court after six (6) months detailing the juvenile's conditions and making recommendations to the court. The court can also exempt the juvenile from the remainder of his/her detention or substitute the reform measure for another remedial measure. Juveniles may also be released on probation under the supervision of probation officers who must submit regular reports on the behavior and condition of the juvenile.<sup>404</sup> Probation may include measures such as regular attendance by bodies appointed by the court.<sup>405</sup>

Penalties for juveniles over the age of 15 who commit felonies, are follows:<sup>406</sup>

- six (6) to twelve (12) years of imprisonment with labour if the offence constitutes a felony punishable by death;
- five (5) to ten (10) years of imprisonment with labour if the offence constitutes a felony punishable by hard labour for life or life imprisonment; and
- one (1) to five (5) years of imprisonment with labour if the offence constitutes a felony punishable by a term of hard labour or temporary detention.<sup>407</sup>

Juveniles convicted of felonies are detained in a special wing of a juvenile reform institute.<sup>408</sup> They can be released on probation from six (6) months up to three (3) years.<sup>409</sup>

Courts or investigating judges can only order the detention of juvenile the supervisory centres established or recognised by the Ministry of Social Affairs.<sup>410</sup> If no centres exist, the juvenile shall be placed in a special juvenile detention centre.

## 11.8 Implementation and Other issues

The recently passed Child Rights Law notes the intention for a National Committee for the Rights of the Child to be established. At the time of writing, this new committee has not yet been established.

Pursuant to the Child Rights Act<sup>411</sup> and of the Juvenile Delinquents Act,<sup>412</sup> a special juvenile police force should be assigned at every governorate to handle juveniles and to ensure their protection. However, it appears that no such police force has been established nor have the functions and rules governing the juvenile police force been determined by the Minister of Interior.

400 Article 10, Juvenile Delinquents Law.

401 Article 47, Juvenile Delinquents Law.

402 Article 6, Juvenile Delinquents Law.

403 Article 11, Juvenile Delinquents Law.

404 Articles 22-23, Juvenile Delinquents Law.

405 Article 20, Juvenile Delinquents Law.

406 Article 29, Juvenile Delinquents Law.

407 Article 29, Juvenile Delinquents Law.

408 Article 30, Juvenile Delinquents Law.

409 Articles 19, 21, Juvenile Delinquents Law.

410 Article 45, Juvenile Delinquents Law.

411 Article 51(G), Child Rights Law.

412 Article 57, Juvenile Delinquents Law.



Winter clothes distribution (Photo: Tareq Mnadili/NRC)



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Heading to School (Photo: Tareq Mnadili/NRC)





# GUIDE TO CHILDREN'S RIGHTS IN SYRIA

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